

EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 DAMON CHAPPELLE, :
4 Plaintiff : **COPY**

5 vs. :

6 DAVID VARANO, SUPERINTENDENT, :
7 SCI-COAL TOWNSHIP; MICHELLE : NO. 11-0304
8 KODACK, RECORDS SUPERVISOR, :
9 SCI-COAL TOWNSHIP; DEBORAH :
10 HERBST, RECORDS SPECIALIST, :
11 SCI-COAL TOWNSHIP; MR. DUNN, :
12 UNIT MANAGER, SCI-COAL :
13 TOWNSHIP; MS. FOULDS, :
14 COUNSELOR, SCI-COAL TOWNSHIP, :
15 Defendants :

16 Deposition of: MICHELLE KODACK

17 Taken by : Plaintiff

18 Before : Faith A. Culp
19 Reporter-Notary Public

20 Beginning : June 21, 2012; 10:59 a.m.

21 Place : SCI-Coal Township
22 1 Kelley Drive
23 Shamokin, Pennsylvania

24 COUNSEL PRESENT:

25 JENNIFER J. TOBIN, ESQUIRE
718 Arch Street, Suite 304 South
Philadelphia, Pennsylvania 19106
For - Plaintiff

ERVIN BLANK ASSOCIATES, INC.

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**Office of Attorney General
Litigation Section**

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COUNSEL PRESENT (continued):

TIMOTHY P. KEATING, ESQUIRE
Senior Deputy Attorney General
Pennsylvania Office of Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120
For - Defendants

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1 STIPULATION

2 It is hereby stipulated by and between
3 counsel for the respective parties that sealing,
4 certification and filing are hereby waived; and that
5 all objections except as to the form of the question
6 are reserved to the time of trial.

7
8 * * *

9
10 MICHELLE KODACK, called as a witness, having
11 been duly sworn or affirmed, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. TOBIN:

14 Q So yesterday you testified and talked about
15 but we didn't introduce into evidence the moves
16 report. I've got one. Actually, located this in my
17 stack of discovery.

18 (Whereupon, a document was produced and
19 marked as Kodack Exhibit No. 28 for identification.)

20 BY MS. TOBIN:

21 Q I'll show you what's been marked as Kodack
22 28. And just to be clear on the record, is this the
23 document you were talking about yesterday when you
24 said moves report?

25 A Yes, it is.

1 MR. KEATING: It's the same one?

2 THE WITNESS: Yes.

3 BY MS. TOBIN:

4 Q And I just -- now that we have the document
5 and are looking at it as an exhibit, if you could
6 describe what each column means, what the significance
7 of each column is.

8 A Sure. The first column says time and date.
9 I think that's self-explanatory. The inmate number.
10 Each inmate's assigned a unique number when they come
11 into the system and that lists his number.

12 The move code. We have different codes for
13 different moves that are made within our system and we
14 have a listing that's available to us if we don't know
15 what a move -- what one of the codes are, what the
16 abbreviations are.

17 Location is the institution or county or
18 federal facility where the inmate is at. Sentence
19 status that tells me currently -- currently or
20 previously what status he is in. Whether he's
21 actively serving or whether he's being classified out
22 to court, so on.

23 Parole status. Also, I think that's
24 self-explanatory. I know we went over that yesterday.
25 Not applicable. Whether or not they were paroled and

1 currently if they're recommitted or pending.

2 Q So backing up just a bit. For the move
3 codes, is there a name of a document that gives you
4 all of those? You said you have access to that if you
5 don't remember what, for example, STT is?

6 A It's available in one of our help screens in
7 the mainframe.

8 Q And I believe it was produced in discovery
9 some of the move codes. Is it available -- is it
10 available in a paper format as well?

11 A I could print that screen out.

12 Q Okay. And so just picking out a few of
13 these. Do you know what the XPT move code is?

14 A That's transfer point.

15 Q Okay. And then the D move code?

16 A That's delete.

17 Q And what does delete mean?

18 A When we see a D, we went through yesterday a
19 little bit our population count and our population
20 movements. When I see that on our report, that means
21 he was completely taken out of the system, taken off
22 of both physical and our committed count.

23 Q And so for this particular document four
24 lines down the date is 7/19/2007. Does that mean that
25 Mr. Chappelle was -- because he was transferred out of

1 the institution, that's why that was done?

2 A Correct.

3 Q And who makes sure that that D or that delete
4 function happens?

5 A Somebody in the records office does that
6 move.

7 Q What does APV which is the one right above
8 the fourth line?

9 A Add parole violator.

10 Q And does that refer to what you were
11 testifying about yesterday when the parole board
12 notified you all that he was a -- is it a PVP?

13 A Yes.

14 Q What is SC?

15 A Status change.

16 Q And with regard to Mr. Chappelle, what does
17 that mean to you, that SC move code in that spot?

18 A Are you referring to the 4/28/2009 date?

19 Q Yes.

20 A At that time he went from being a parole
21 violator pending to being a technical convicted parole
22 violator. And that changed his status as a parole
23 violator.

24 Q So going down to near to the bottom of this
25 sheet, the sixth line from the bottom the date is

1 10/22/2001 at 1346?

2 A Yes.

3 Q That is an APV code as well. What does that
4 mean to you?

5 A Add parole violator.

6 Q And is that when he was first brought back in
7 to the DOC system after being out on parole?

8 A Yes. That's correct.

9 Q And then the line directly above that, the SC
10 move code, again, that's status change?

11 A That's correct.

12 Q And his -- what does writ/ATA mean in the
13 sentence status column?

14 A Means he was taken out to court.

15 Q Does that have any connection with the parole
16 status?

17 A No, it does not.

18 Q And the SC, status change code, does that
19 correspond to him becoming a parole violator --
20 actually, what does that refer to in that line, the
21 12/26/2001?

22 A You mean direct -- you mean the 1530?

23 Q No. The 7:47 time.

24 A Just that he was taken out to court as a
25 parole violator pending.

1 Q Okay. So that status change could refer to
2 either the parole status changing or the sentence
3 status changing?

4 A That's correct.

5 Q And then the 1530 entry for 12/26/2001.

6 A Yes.

7 Q What does that mean, the whole line mean to
8 you?

9 A He was brought back from court. The sheriffs
10 returned him.

11 Q And then the line right above that, 1/22/2002
12 at 5:41, what does that line mean?

13 A He went from diagnostic classification to
14 actively serving.

15 Q But he stayed at Graterford?

16 A Well, if you look at the line above that,
17 that's when he was transferred.

18 Q So there's more than one entry for that
19 series of events? He was not only changed in his
20 sentence status but he was physically transferred?

21 A Hang on. No. I'm sorry. I'm jumping ahead.

22 MR. KEATING: You can mark this one up if you
23 want to figure it out.

24 THE WITNESS: No. On 12/26, he was
25 diagnostic classification. He was still diagnostic

1 classification. And which line were you referring to?

2 I'm sorry.

3 BY MS. TOBIN:

4 Q Both of the ones for -- I guess there's
5 multiple ones for 1/22. What happened on January
6 22nd, 2002?

7 A He went from Graterford as actively serving
8 to he was then put on a bus. There was then a
9 transfer point at SCI Smithfield at 9:40, and then at
10 12:47 p.m. he was -- the bus departed from SCI
11 Smithfield and then arrived here at 1612 at SCI-Coal
12 Township.

13 Q Okay. And then from that point all the way
14 up to 7/19/2007, the majority of this page, all of
15 those entries. There's transfer, is that TR? TRN
16 means transfer?

17 A Yes.

18 Q Does that mean permanently transferred?

19 A Yes.

20 Q And then XPT is a transfer point so just a
21 temporary you're getting on the bus, you're getting
22 off the bus?

23 A Correct.

24 Q And what does STT mean?

25 A Send temporary transfer.

1 Q What does that mean?

2 A Means he's being sent from his permanent
3 facility to another institution temporarily.

4 Q For example, for court?

5 A Correct.

6 Q And so throughout this time period, is it
7 accurate to say he's designated to stay here at Coal
8 Township but he's doing a lot of traveling to court or
9 not a lot but he's being sent to other places but his
10 main institution is Coal Township?

11 MR. KEATING: Objection. What time period
12 are you making reference to?

13 BY MS. TOBIN:

14 Q From January 22nd, 2002 to July 19th, 2007.
15 The majority of this sheet.

16 A That's correct.

17 Q When somebody is transferred to -- has the
18 X -- excuse me. Is transferred to another DOC
19 institution for purposes of court, for example, when
20 he was going to Graterford because that's closer to
21 the Eastern District courthouse, that time that can
22 take -- can that take days that they're away or can it
23 take varying amounts of time that they're not
24 physically in the institution?

25 A Yeah. I mean I think if you look at the

1 report, you can see generally how long he was out. It
2 can vary from a few weeks to months.

3 Q And during that time, is he still getting
4 credit -- sentence credit for serving his sentence
5 even though he's not physically here?

6 A Yes.

7 Q Is that because he's on a writ, some kind of
8 writ to go to court?

9 A Yes.

10 Q Okay. Who has access to the moves report?

11 A Pretty much any DOC employee can view it as
12 long as they know how to access it.

13 Q And what computer system -- how is it
14 accessed?

15 A Through DOCNet. This particular one.

16 Q Is that a relatively new system?

17 A I want to say it came on-line around 2001. I
18 don't believe this was available at that time but in
19 2001 it slowly progressed.

20 Q Okay. And then in 2001, was there a lot of
21 data entry? So, for example, the first entry on this
22 page at the bottom is dated in 1996. Was there some
23 method of getting all that information into DOCNet?

24 A DOCNet a lot of the information was pulled
25 from our old system. It was just automatically pulled

1 over what we call the mainframe I referred to it a few
2 times. DOCNet pulled a lot of that information over.

3 Q Okay. And what did you use the moves report
4 for?

5 A In Mr. Chappelle's case?

6 Q Yes.

7 A Just to be able to see when certain things
8 occurred.

9 Q Meaning when he was -- what do you mean
10 certain things?

11 MR. KEATING: You mean after the complaint
12 was filed or what would you --

13 THE WITNESS: Yeah. At what point?

14 BY MS. TOBIN:

15 Q Well, let me ask you that. When did you
16 first look at the moves report in Mr. Chappelle's
17 case?

18 A I don't know.

19 Q And generally apart from Mr. Chappelle's
20 case, what do you use the moves report for?

21 A Pretty much everything we do. Anytime
22 reviewing a release checklist, I look at the moves
23 screen to see when he came into the system to see if
24 the inmate had any -- was out to court at all. If he
25 was out to court, it would trigger me to look and see

1 if he has any active cases; and if he does, if they
2 were disposed of.

3 Q One more question about this particular
4 document. Actually, a couple more. You mentioned
5 that it would show -- how do you know if he's serving
6 a federal sentence? So, for example, on the fourth
7 line down dated 7/19/2007, what does in sentence
8 status what does SRV prev cnty slash state slash fed
9 mean?

10 A Serving previous county, state or federal
11 sentence.

12 Q So you know that it's one of those three, but
13 you don't know which category of sentence?

14 A That's correct.

15 Q But you could get that information?

16 A Yes.

17 Q And in the sentence status column and the
18 parole status column, are those entries as of the time
19 and date in the far left?

20 A Yes.

21 (Whereupon, a document was produced and
22 marked as Kodack Exhibit No. 29 for identification.)

23 BY MS. TOBIN:

24 Q I'm going to show you Kodack 29. Do you
25 recognize this document?

1 A I recognize what it is. I don't recognize
2 specifically.

3 Q What does this signify to you?

4 A This is -- again, we reviewed another one of
5 these yesterday. It's a slideshow from one of our
6 records manuals.

7 Q Is it from the computation manual?

8 A Yes.

9 Q What is -- can you describe what is the
10 computation manual?

11 A It's a guide that explains different
12 scenarios of sentences.

13 Q And who uses it?

14 A Records staff.

15 Q Is it a training tool for records staff?

16 A It's available to us. We're not -- there's
17 no formal training.

18 Q So it's available to you just in the course
19 of doing your job in records?

20 A Correct.

21 Q And you mentioned yesterday that it's updated
22 regularly?

23 A No, I did not say that.

24 Q Okay. Is it updated?

25 A I said it is not. It's not up-to-date

1 currently. It is currently not up-to-date.

2 Q And who's in charge of updating it?

3 A The central office.

4 Q And would that be the records administrator?

5 A Yes.

6 Q And the assistant records administrator?

7 A Yes.

8 Q And do they convey to you or send to you the
9 updates as they come out?

10 MR. KEATING: If you know.

11 THE WITNESS: Yeah. I don't know. It's been
12 a long time.

13 BY MS. TOBIN:

14 Q Who's responsible for training the records
15 staff at the institution?

16 A Each supervisor.

17 Q So you train your records staff. Who trains
18 you as a records supervisor? Who gives you that
19 training?

20 A As a supervisor, supervisory training?

21 Q Yes.

22 A The only supervisory training I ever had was
23 called supervisory development. It wasn't specific to
24 records.

25 Q So the records administrator at Camp Hill

1 doesn't train you?

2 A No.

3 Q Okay. On the top slide of this document it
4 states in the last paragraph -- this is about sentence
5 running concurrent with parole violation backtime.
6 And the last paragraph of the top slide if you could
7 read that to yourself, and let me know when you're
8 done.

9 A Okay.

10 Q Okay. What does that second -- that last
11 paragraph in the top slide what does that mean to you?
12 What's the plain English meaning of that?

13 A It basically explains the above situation of
14 the reasons for incarceration and the main question is
15 what sentence gets the precommitment credit in the
16 situation.

17 Q And would the -- does the answer to that
18 question change if the sentence is the two new
19 criminal charges are not state sentences? I guess the
20 first --

21 MR. KEATING: I guess I want to object to
22 that because we don't know what the answer to this
23 question is.

24 BY MS. TOBIN:

25 Q Let me ask you that. What is the answer to

1 this question, the one that's posed on the document?

2 A Is it okay if I read? I'm going to read a
3 little bit here.

4 Q Sure.

5 A You want to know the answer to this question?

6 Q Yes. As it's posed on this slide.

7 A He would be eligible for credit on the
8 sentence -- on the new sentence because it was not a
9 reason for recommit and they're running it concurrent
10 with his parole violation backtime.

11 Q So if you could walk me through that. How --
12 what are the steps that you would take to figure out
13 where to apply the credit?

14 A Well, in his case, again, I had mentioned
15 Oakman yesterday. Even if he was credited with
16 backtime credit on this case --

17 Q And when you say this case, you mean the
18 original?

19 A Yes. On his original case if he was credited
20 with backtime credit on his original case that he was
21 previously paroled on, he would -- we would still
22 apply the credit if the judge ordered it on the new
23 sentence and then what we would do is we would send a
24 letter to the judge advising him, telling him that he
25 was given credit previously. However, it has been

1 applied and it will remain applied unless we hear back
2 from him or her.

3 Q Okay. So same situation here except let's
4 say the person is paroled like Mr. Chappelle, paroled
5 from his original sentence and then doesn't catch any
6 new state sentences. Where would the credit go, the
7 commitment credit go for him when he comes back after
8 being violated?

9 A That's not my decision to make.

10 MR. KEATING: She's saying she doesn't know.

11 THE WITNESS: I don't know. That's not my
12 decision to make. That's the parole board's
13 determination. I don't determine that.

14 BY MS. TOBIN:

15 Q But how many -- I guess logically though if
16 he only has a state sentence, I'm just asking you,
17 and^--

18 MR. KEATING: No. No. You're asking
19 logically. If you want to ask factual questions
20 concerning this, that's fine. If you want to ask her
21 opinion, that's fine. But you've asked her opinion
22 relative to a specific thing and she said that's up to
23 the parole board to determine.

24 BY MS. TOBIN:

25 Q Let me ask you this. I'll ask you something

1 else later. But you're saying that if somebody comes
2 back and doesn't have a new state sentence or even if
3 they do have a new state sentence, there's commitment
4 credit, the parole board determines where that's
5 applied to; is that what you're saying?

6 A No. On which sentence though? On the
7 sentence that he violated on or on the new one?

8 Q Who makes the determination where the
9 commitment credit goes?

10 A For which sentence?

11 MR. KEATING: Either sentence.

12 BY MS. TOBIN:

13 Q For either one. For both.

14 MR. KEATING: Does it tell you where it goes?

15 THE WITNESS: The parole board tells us where
16 it goes on the parole violation.

17 BY MS. TOBIN:

18 Q On the original sentence?

19 A On the original sentence. On the new
20 sentence, the court orders the credit. We apply what
21 the court orders us to apply.

22 Q On the new sentence?

23 A Correct.

24 Q Okay. But a parole board -- I believe you
25 said this yesterday. It's correct that a parole board

1 recommitment order is not the same thing as a court
2 order?

3 A Correct.

4 (Whereupon, a document was produced and
5 marked as Kodack Exhibit No. 30 for identification.)

6 BY MS. TOBIN:

7 Q I'm showing you Kodack 30. If you could take
8 a look at that, please.

9 A Okay.

10 Q Do you recognize what this document is?

11 A Yes.

12 Q What is it?

13 A Again, it's a slideshow printout from our
14 records computation manual.

15 Q Okay. If you'll take a look at the bottom
16 paragraph of the bottom slide which the heading is 42
17 PA CSA Section 9760, credit for time served. States
18 credit against the maximum term and minimum term shall
19 be given to the defendant for all time spent in
20 custody as the result of the criminal charges for
21 which a prison sentence is imposed. Credit shall
22 include all time spent in custody prior to trial
23 pending sentence.

24 What does that paragraph, what does that mean
25 to you?

1 MR. KEATING: Are you asking her for a legal
2 interpretation of what 42 PA CSA Section 9760 is?

3 BY MS. TOBIN:

4 Q No. I'm asking what it means to you as a
5 records supervisor at Coal Township.

6 A That just tells me that he's eligible to be
7 given credit for all time spent in custody prior to
8 being sentenced.

9 Q And then is he also eligible to be given
10 credit for all time spent in custody as a result of
11 the charges that he's been sentenced for?

12 MR. KEATING: Well, now you're asking for a
13 legal. That's exactly what you're asking.

14 BY MS. TOBIN:

15 Q Do you apply credit -- does your office apply
16 credit in such a way that if you are serving a
17 sentence imposed on you by a court and you're sitting
18 in the DOC's institution, you apply the credit, the
19 sentence credit to that sentence, right?

20 You apply the time, the days that people are
21 sitting to the sentences that they have active in your
22 system; is that correct?

23 A I don't believe I understand. Are you asking
24 me precommitment?

25 Q Not precommitment. Just when you're serving

1 your sentence.

2 MR. KEATING: Do you apply the credit or do
3 you go by what the court tells you?

4 THE WITNESS: We go by what the court tells
5 us. What the court awards we put that --

6 BY MS. TOBIN:

7 Q You put that in the system?

8 A That gets put in the system. If the court
9 didn't award it, we don't enter it.

10 Q But you keep track of the time that the
11 person's in?

12 A Correct.

13 Q And then it's awarded in accordance with what
14 the court said?

15 A Correct.

16 MR. KEATING: Well, they don't award
17 anything.

18 BY MS. TOBIN:

19 Q It's applied?

20 A It's applied.

21 MR. KEATING: It's put in the system that
22 way.

23 BY MS. TOBIN:

24 Q You keep track of the time that they're in^--
25 physically in the prison and you apply those days in

1 accordance with what the court says?

2 A Correct.

3 Q Okay. Do you have any authority to not apply
4 that time in accordance with what the court said?

5 A No, I do not.

6 Q I'm gonna go back to something you testified
7 about yesterday. When a parole violator comes back
8 after violating. And I believe you said, correct me
9 if I'm wrong, that there can be a period of time when
10 the person is a PVP, parole violator pending?

11 A That's correct.

12 Q And is it correct that that's the time period
13 when the parole board is deciding whether to recommit
14 them?

15 A That's correct.

16 Q And if to recommit them, how to recommit
17 them?

18 A Yes.

19 Q If a person comes back and is a PVP, parole
20 violator pending, and while they're waiting for the
21 parole board to take that next step and calculate
22 their new PV max date, their max date arrives, hasn't
23 been told to you by the parole board yet so they're
24 just sitting here, is that person released?

25 A It all depends. We track those. I believe

1 we discussed that yesterday. We do track those. And
2 when they do come up on their maximum dates with
3 usually a few weeks ahead of time, we will request
4 from the parole board either a recommit, a warrant --
5 or I'm sorry, a cancellation of their warrant to
6 release him or a letter extending his maximum date
7 tentatively.

8 Q You'll ask the parole board for that?

9 A Yes, we ask the parole board for that.

10 Q And I believe you said that that's done on a
11 regular basis, periodic basis?

12 A Yes. Yes.

13 Q And who's in charge of doing that process?

14 A The specialist that's assigned to that
15 caseload.

16 Q So if that request were made by the
17 specialist to the parole board, would that be in the
18 DC-15?

19 A It may or may not be.

20 Q Where would that be kept?

21 A It would be in the legal section.

22 Q The legal section of what?

23 A The DC-15.

24 Q I'm not sure if I got the legal section in
25 discovery.

1 A You did.

2 Q I did? So it would be in that particular
3 section of the DC-15?

4 A Yes.

5 Q Okay. And in that case, the question of
6 backtime is a moot question, right? They aren't going
7 to apply for parole again so they don't have a
8 backtime sentence, am I understanding that correctly?
9 If they're going to be released because their max date
10 has happened, then you don't have to find out what the
11 backtime sentence is from the parole board?

12 MR. KEATING: I think she said they could ask
13 for a new maximum date.

14 MS. TOBIN: I really appreciate it if I could
15 ask the deponent a question and have her answer it.

16 MR. KEATING: I apologize. You're right.

17 BY MS. TOBIN:

18 Q If you don't understand, just let me know.

19 A Again, in us asking for either the recommit
20 which would give us the backtime. But no, a
21 backtime^-- we don't ask specifically for backtime.
22 That's what -- backtime is part of the recommit of the
23 recommitment action. It's part of it. So by us
24 asking for a recommitment action, that's included on
25 there.

1 Q But my question is a little bit different.
2 If the inmate is in this particular situation and
3 they're going to be released, you've noticed that
4 their max date is coming up, you're writing to the
5 parole board, the parole board either responds,
6 doesn't respond, whatever they do with your request
7 for information, if their max date has come, if
8 they're scheduled to get out the next day, then the
9 issue of backtime is moot. Do you understand what I'm
10 asking?

11 A No. Because the back -- the parole board
12 hasn't recalculated it at that point as far as I know.
13 I don't understand the question I guess because --

14 Q So let me ask you this. Is backtime -- I
15 believe you said this yesterday. Backtime is a period
16 of time that the parole board tells the inmate you
17 have to wait this long until this date, you have to
18 wait from here to here from these -- this chunk of
19 time before you can apply for parole again. We're not
20 going to let you apply for parole until this time?

21 A Technically, yes.

22 Q So that's backtime?

23 A No. That's not -- no. They're ordering
24 them -- they can order them to serve so much backtime
25 prior to applying again. They may say a recommit --

1 or one of their board actions may say serve six months
2 backtime and review again at that time.

3 Q And what does that mean though, serve six
4 months backtime?

5 A Means basically they have to sit for another
6 six months prior to being seen by the parole board
7 again or being eligible for parole again.

8 Q So if someone's getting out -- back to my
9 hypothetical. If someone's getting out because
10 they're maxing out on their sentences, the issue of
11 applying for parole another time doesn't come up?

12 A Well, it all depends on if the parole board's
13 going to recommit him or not. If the parole board's
14 going to recommit him and he has say 500 days
15 delinquency time to do, they can -- that's going to
16 extend his maximum date that's coming up say tomorrow
17 by 500 days.

18 So they may say in that recommitment action
19 that he has to serve so much of that time prior to
20 applying for parole again. I can't say in a very
21 general sense that they -- it's a moot point. You're
22 asking that in a very general sense and I can't say.

23 Q So delinquency time is -- could you just tell
24 me what that is?

25 A It was a period of time while they were out

1 on parole that they were -- weren't reporting or that
2 their parole agent did not know where they were.

3 Q Is that also known as street time?

4 A No. Street time is basically the time from
5 when they were out on parole until the time they were
6 brought back.

7 Q Is delinquency time it's time that they're
8 not incarcerated?

9 A Right.

10 Q So is it fair to say or accurate to say that
11 delinquency time is a subset of street time? Is
12 delinquency time a particular category of time that
13 they're on the street?

14 A That would be a question to ask parole. I
15 really -- I don't want to say one way or another.

16 Q So delinquency time we know they're not
17 physically incarcerated during that time?

18 A Correct.

19 Q And street time we also know that they are
20 not physically incarcerated during that time?

21 A Correct.

22 Q So the parole board has the authority under
23 the statutes to make them physically serve delinquency
24 time and street time?

25 A I can't answer that. I don't know.

1 Q Okay. But your earlier -- you earlier said
2 that the parole board could come back and say this
3 guy's got 500 some days of delinquency time;
4 therefore, his new date is this?

5 A Yes.

6 Q Okay. What if someone comes back from being
7 out on parole and tells you or tells the parole board
8 I'm not gonna apply for parole again. I'm just not.
9 I'm not gonna seek it. I'm just gonna max out. I
10 just want to serve my sentence. What information, if
11 any, do you use at that point to figure out when he's
12 supposed to get out?

13 A I don't even receive that information if
14 they're asking to max out. That's not information
15 that's given to me. That's strictly between the
16 inmate and the parole office. We may get a board
17 action saying that but if that's the case, then he'll
18 max out.

19 Q And similar question. What if somebody comes
20 back after violating parole and has a conviction for a
21 nonparolable offense such as murder, a particular kind
22 of murder. So applying for parole again isn't an
23 issue. He's not -- he can't because he's going to be
24 stuck. So is backtime relevant in that person's
25 situation?

1 A Well, in that person's situation he has to
2 serve the parole violation first and technically he
3 could be paroled to the new sentence. At that point
4 he's not going to get out physically but he could
5 still be paroled to that new life sentence.

6 Q Start serving the new sentence. Okay. How
7 did you -- let me back up. Did you read the complaint
8 in this case?

9 A Yes.

10 Q Okay. So you're familiar with the
11 allegations in the complaint?

12 A Yes.

13 Q How did you first learn -- did you learn that
14 Mr. Chappelle was asserting that he'd been kept past
15 his max date while he was here at Coal Township?

16 A You want to know when I learned?

17 Q Did you learn while he was here?

18 A I believe I responded to a grievance that he
19 filed. Other than that.

20 Q Was the grievance the first time that you
21 learned about that?

22 A From what I can recall, yes.

23 Q Okay.

24 MR. KEATING: You heard her. That's what he
25 was asserting.

1 MS. TOBIN: Yes.

2 (Whereupon, a document was produced and
3 marked as Kodack Exhibit No. 31 for identification.)

4 BY MS. TOBIN:

5 Q I'm going to show you Kodack 31. If you
6 could please take a look at that. Do you recognize
7 this document?

8 A This specific document, no.

9 Q Okay. If you could take a few minutes to
10 read it, and please let me know when you're done.

11 A Okay.

12 Q So what is this document?

13 A It's a request from Mr. Jessup claiming he is
14 beyond his maximum date.

15 Q And this one is dated April 17th of '09. And
16 is this one directed to you?

17 A No, it is not.

18 Q It's directed to Mr. Varano?

19 A Yes.

20 Q And was he the superintendent at the time in
21 2009, in April of 2009, Mr. Varano?

22 A He signed it that way so yes, I'm assuming.

23 Q And at the bottom there's a CC line that
24 lists you. Do you remember getting this document from
25 Mr. Varano?

1 A No, I do not.

2 Q Where would this have gone in the records
3 office if it lists you as the CC?

4 A Either it would have gone directly into the
5 file or somebody would have handed it to me.

6 Q Who would have delivered it to the records
7 department?

8 A Our office -- we pick up our own mail so
9 somebody from my office would have gotten it.

10 Q Do you know who would have done that?

11 A No, I do not.

12 Q Who regularly gets the mail?

13 A One of our records specialists.

14 Q If it had gone into the file, are you
15 referring to the DC-15?

16 A Yes.

17 Q What's the procedure for putting CC'd items
18 in the file if it's directed to you?

19 A Typically it would come directly to me. I
20 can't recall in this specific matter.

21 Q Do you remember whether Mr. Varano followed
22 up with you about this request to staff member?

23 A No, I do not.

24 Q You don't remember?

25 A I don't remember.

1 Q If he had followed up with you, would you
2 have -- what would you have done?

3 A If he would have called me about it, I
4 probably would have looked him up or pulled his file
5 and gone over it with him or explained to him what we
6 were waiting on or what we were doing about it. I
7 wouldn't have documented it anywhere.

8 Q Is it your practice to -- when the
9 superintendent asks you to look into something, what's
10 your practice in terms of responding?

11 A If he's just picking up the phone and calling
12 me, typically I give him a verbal response over the
13 phone unless something else is required which
14 typically it's not.

15 Q Do you know whether any other records office
16 staff person reviewed this request when it was
17 delivered?

18 A No.

19 Q Would there be a way to find out?

20 A No.

21 Q Which section of the inmate's DC-15 file are
22 requests to staff members kept in?

23 A The correspondence section.

24 Q Is that where this would have been filed?

25 A Yes.

1 Q So back on April 17th of '09, do you remember
2 not just Mr. Varano but any DOC person contacting you
3 about Mr. Jessup's complaint about being over
4 detained?

5 A No, I do not.

6 Q Do you remember any non-DOC person contacting
7 you to alert you about this issue?

8 A No.

9 Q I'm going to show you what's been previously
10 marked as Dunn 3.

11 MR. KEATING: Do you want to make it an
12 exhibit to her deposition?

13 MS. TOBIN: I'll just keep it as Dunn 3.

14 MR. KEATING: Why don't we mark one for
15 Kodack.

16 MS. TOBIN: And Kodack 32. I'll add that.

17 MR. KEATING: Yeah. Mark one for Kodack.
18 Makes it cleaner when you go through the depositions.

19 (Whereupon, a document was produced and
20 marked as Kodack Exhibit No. 32 for identification.)

21 BY MS. TOBIN:

22 Q So this is Dunn 3 and Kodack 32. If you
23 could take a moment to read that, please.

24 A Okay.

25 Q Do you recognize that document?

1 A It's another request.

2 Q And this one is also to Mr. Varano?

3 A Yes. That's correct.

4 Q Do you recall getting a copy of this
5 document?

6 A No, I do not.

7 Q At the bottom Mr. Varano writes this is an
8 issue which can be directed to both parole and the
9 institution records office. Both of the office
10 supervisors should be able to assist you. Is this --
11 let me ask you this. Is this one also relating to his
12 issue of having served his max sentence?

13 A Yes. That's correct.

14 Q So if you could read the part in section
15 eight out loud.

16 A I'll do my best. I can't make some of the
17 words out. Mr. Varano, I served 12 years in this
18 institution from 1/26/95 to 4/9/07 or is that a one?
19 I'm not sure what that year is. Returned for
20 violations on 9/26/01 to 7/18/07. I am --

21 MR. KEATING: Somehow.

22 THE WITNESS: -- somehow back here for parole
23 violations but I maxed this sentence out. I have all
24 my status sheets, green sheets and documents, et
25 cetera. I've been back for a week and none of the

1 state or parole it looks like have been helpful. Can
2 you please schedule me an appointment for me to talk
3 to you about this situation. I'm exhausted. I've
4 exhausted all remedies to something and resolve this
5 matter. Thank you in advance.

6 BY MS. TOBIN:

7 Q So reading that -- so you don't recall having
8 read that before?

9 A No.

10 Q Do you recall Mr. Varano contacting you
11 after^-- in connection with this request slip to
12 discuss it?

13 A No, I do not.

14 Q Do you recall anyone in DOC contacting you to
15 discuss this?

16 A No, I do not.

17 Q Reading that section, reading that writing in
18 section eight, what does that mean to you?

19 A It means that he's back here on a parole
20 violation and we're waiting on the parole board to
21 recommit him or release their warrant.

22 Q And what is -- in terms of his complaint, do
23 you know what he's complaining about in section eight?

24 A He's complaining that he's beyond his max.

25 Q And down at the bottom CC file. Do you know

1 what that refers to?

2 A He's copied his DC-15.

3 Q That would refer to the DC-15?

4 A Yes.

5 Q And, again, that's kept in the records
6 office?

7 A That's correct.

8 Q Do you recall anyone from the
9 superintendent's office contacting you about this
10 issue related to this staff member?

11 A No.

12 Q Even if not the superintendent himself?

13 A No, I do not.

14 (Whereupon, a document was produced and
15 marked as Kodack Exhibit No. 33 for identification.)

16 BY MS. TOBIN:

17 Q I'm showing you Kodack 33. Can you identify
18 this document?

19 A It's a grievance.

20 Q If you could take some time to read that, and
21 let me know when you're done.

22 A Okay.

23 Q Okay. Do you remember seeing this document?

24 A No, I do not.

25 Q Do you remember being referred -- having this

1 grievance referred to you for resolution by the
2 superintendent?

3 A No, I do not.

4 Q Let me show you --

5 A I recall reviewing my response through the
6 whole --

7 Q Through the litigation?

8 A Yes. Yes.

9 Q Okay. So if you could just read Section A
10 out loud.

11 A Sure. On May 4th, 2009, I received from the
12 records office a new status summary of which I
13 respectfully disagree with how records office has
14 credited my time I have spent in custody. There's
15 five years, ten months that is not being credited to
16 my backtime on federal sentence.

17 I signed a letter on 4/29/09 from the federal
18 probation office. The records office called me to
19 sign the letter so they made me aware of my new
20 sentence reduction of 24 months effective from 7/18/07
21 to 4/14/09 which completes my federal time.

22 I was arrested on 9/26/01. So from that date
23 til 7/18/07 pursuant to PA -- to 42 PA Section 9760, I
24 am entitled to all time spent in custody that was not
25 credited towards my federal sentence. I request that

1 this five years, ten months be credited to my
2 sentence. This will put me over my max date.

3 Q And what is that -- what do you think he's
4 complaining about there? How do you interpret that?

5 A He wasn't credited with the time that -- he
6 wasn't credited with all the time that he was entitled
7 basically.

8 Q And at the bottom there's a list of actions
9 taken and staff contacted. Includes Ms. Ellis. Do
10 you know who Ms. Ellis is?

11 A I believe that's supposed to be Ms. Ellit.

12 Q Ellit?

13 A Yes.

14 Q And who is that?

15 A She was the deputy.

16 Q Do you know which deputy?

17 A At the time I believe she was of centralized
18 services.

19 Q And there's a Mr. Stout and a Ms. P. Jar.
20 And who are they?

21 A They are in the parole office. Mr. Stout has
22 since retired.

23 Q And the records department is listed and Mr.
24 Varano. Do you recall even if not receiving a request
25 slip from Mr. Jessup, do you recall him talking to

1 you, contacting you through some other means?

2 A No. There's no other means for them to
3 contact me other than the request slip.

4 Q Do you know whether he contacted any other
5 records office staff?

6 A No, I do not.

7 (Whereupon, a document was produced and
8 marked as Kodack Exhibit No. 34 for identification.)

9 BY MS. TOBIN:

10 Q Okay. I'm showing you Kodack 34. If you
11 could take a moment to review that and when you're
12 done, let me know. What is this document?

13 A This is my response to Mr. Jessup.

14 Q And is this your response to the grievance
15 which is Kodack 33?

16 A Yes, it is.

17 Q So you had to read the grievance in order to
18 respond?

19 A Yes.

20 Q When you did that, what other steps did you
21 take after reading the grievance? What was your first
22 step after reading Kodack 33?

23 A I reviewed the file. Well, can I say in
24 general what I would do? I'm not sure exactly what I
25 did because I don't recall.

1 Q Sure.

2 A Generally I would review the file to see what
3 his claim is and why he's claiming it. And I would
4 also review the parole board recommitment action and
5 respond based on that information.

6 Q When you say review the file, what part of
7 the DC-15 would you review?

8 A Mostly the legal section.

9 Q And what documents in the legal section would
10 you review?

11 A The Parole Board 39 would be the main
12 document.

13 Q And remind me what that is.

14 A That's the recommitment giving us the
15 backtime and the new maximum date.

16 Q And any other documents you'd review in the
17 legal section?

18 A Not in the legal section, no.

19 Q Any other documents in the DC-15 that you
20 would review?

21 A Yes. The DC-16E.

22 Q Would you review all of those? I understand
23 they accumulate. Would you review all of the past
24 ones?

25 A Not all of them. Maybe I would probably

1 review the one prior to that, to the most current.

2 Q So the most current and then the most recent
3 before that?

4 A Right.

5 Q And in Mr. Chappelle's case or Mr. Jessup's
6 case, do you recall specifically what your review was?

7 A No, I do not.

8 Q Do you have any reason to believe your review
9 would be different than what you just described?

10 A No, I do not.

11 Q So looking at Kodack 34, if you could just
12 read that to yourself, and let me know when you're
13 done.

14 A Sure.

15 Q You're done?

16 A I read it already.

17 Q So you wrote that the parole board and the
18 Department of Corrections are two separate entities.
19 As such the Department of Corrections has no authority
20 over the parole board. The issues that you address in
21 this grievance need to be addressed to the parole
22 board.

23 Additionally, your parole violation backtime
24 is calculated by the parole board and provided by them
25 to the institution's record department for recording

1 on your sentence status summary.

2 Any questions or problems with your parole
3 violation backtime calculation needs to be addressed
4 to the parole board. We have no authority to change
5 their calculation. Taking all information into
6 consideration, your grievance is denied.

7 So my question is his grievance talks about
8 sentence credit not being credited with the amount of
9 time he spent in prison. And I'm wondering why you
10 referred him to the parole board as opposed to
11 answering his question about sentence credit?

12 A Because, again, he was referring to backtime
13 credit and he's referring to a sentence that was a
14 reason for his parole violation.

15 Once an inmate is paroled and they come back
16 as a parole violator, I have no authority to change
17 what the parole board gives me. The parole board has
18 control at that point of their maximum date. I have
19 no control over changing that. I record it and that's
20 it.

21 Q So if he's claiming he's been -- he's being
22 kept past his max date, did you talk with the parole
23 board about this after you read the grievance?

24 A I can't recall specifically.

25 Q Did you write to them?

1 A I can't recall.

2 Q If you did, would it have been in the DC-15?

3 A It may be.

4 Q Do you remember if the parole board contacted
5 you about this, about Mr. Jessup's complaint?

6 A I don't recall.

7 Q Did you talk with Mr. Varano about it?

8 A I don't recall.

9 Q Did you talk with any of your staff at the
10 records office?

11 A I'm sure I did. I don't remember who
12 specifically.

13 Q Do you know who the staff person was who was
14 assigned to Mr. Jessup's case?

15 A I believe it was Deb Herbst. I'm not sure.
16 I can't say for sure.

17 Q Did you ever get contacted by Ms. Foulds or
18 Mr. Dunn about Mr. Chappelle's issues?

19 A I can't say one way or another. I don't
20 know.

21 Q Did you ever get contacted by somebody
22 outside of the institution about Mr. Chappelle's
23 issues?

24 A I don't recall.

25 Q If you had, would that communication or

1 that -- would that contact be reflected in the file?

2 A No.

3 Q And why not?

4 A I get probably 20 to 30 phone calls a day
5 regarding inmates. I don't have time to document
6 every time I get a phone call regarding an issue.

7 Q After you issued this response to him, did
8 you have further involvement in the issue, in Mr.
9 Chappelle's complaint about being over detained?

10 A I don't remember.

11 Q Did you consult with the legal department at
12 Camp Hill about his complaint?

13 A I can't recall.

14 Q Are you familiar with a system by which you
15 can make a request to legal if you have a question?

16 A Yes, I am.

17 Q And is there a form associated with that
18 request?

19 A We have a form. It's called a legal opinion
20 request, yes.

21 Q And if you did do a legal opinion request,
22 would that be in the legal section of the DC-15?

23 A Yes, it would.

24 Q But you don't remember if you did one?

25 A I don't believe I did, no.

1 Q Did you contact the records administrator or
2 the assistant records administrator at Camp Hill?

3 A I'm not sure.

4 Q And if you had contacted them, would that be
5 in the DC-15?

6 A Most likely, yes.

7 Q And I know you testified yesterday that your
8 supervisor here, the CCPM is technically your
9 supervisor but doesn't necessarily do just this kind
10 of work. But did you consult her about this issue, a
11 Linda Chismar I believe?

12 A I can't recall.

13 Q When you were researching or looking in the
14 file to respond to this grievance, did you look at Mr.
15 Chappelle's convictions and sentences on the DC-16E?

16 A I would have, yes.

17 Q And did you look at the sentence computations
18 or the other data on the DC-16E?

19 A I would have, yes.

20 Q And that would have been anything that was in
21 the file as of the date you reviewed this?

22 A Yes. That's correct.

23 Q Do you know when you got this grievance, the
24 Kodack 33?

25 A No, I do not.

1 Q Presumably sometime after 5/7/09 if that's
2 when the grievance coordinator signed it?

3 A Yes. And once the grievance coordinator
4 signs them, they would go to my boss and then she
5 forwards them to me.

6 Q Did you interview Mr. Chappelle or have him
7 come to your office after you got this grievance?

8 A I don't believe so, no.

9 Q And did you talk with him at any time after
10 that about his complaint that he was being detained on
11 this sentence?

12 A No. No, I did not.

13 Q Did you direct any of your staff to talk with
14 him?

15 A I can't recall.

16 Q Did you talk to Ms. P. Jar or Mr. Stout after
17 you got this?

18 A I may have. I don't know. I can't say for
19 sure.

20 Q Do you recall them ever talking to you about
21 his situation?

22 A No.

23 (Whereupon, a document was produced and
24 marked as Kodack Exhibit No. 35 for identification.)

25 BY MS. TOBIN:

1 Q Showing you Kodack 35. If you could review
2 that and when you're done, let me know.

3 A Okay.

4 Q Do you know -- or did you ever receive this
5 document?

6 A This would have just been put in his file.
7 This would have been filing.

8 Q In the DC-15?

9 A Yes.

10 Q So this is the appeal from your response to
11 him, his appeal to the facility manager?

12 A That's correct.

13 Q And that would have been Mr. Varano?

14 A That's correct.

15 Q Did Mr. Varano approach you to talk about
16 this appeal after 5/23/09?

17 A I don't recall.

18 Q Did you look into Mr. Chappelle's DC-15 again
19 after your first time of reviewing it to respond? Did
20 you look in his file again to do some more research
21 after that?

22 A I don't recall.

23 Q Is there any kind of system, an audit system
24 or a tracking system every time a DC-15 is checked out
25 of the records office?

1 A They don't leave our office.

2 Q So they're just there?

3 A Yes.

4 Q If somebody wants to look at it, they have to
5 come to your office?

6 A Yes. The superintendent is the only person
7 who can check a file out.

8 Q Had you gotten this -- or had you read this,
9 would you have done any additional research in the
10 DC-15?

11 MR. KEATING: I'm going to object. You can
12 go ahead and answer.

13 THE WITNESS: I don't know. Probably not
14 because, again, like I said, once an inmate is
15 released on parole and comes back on parole
16 violations, the Department of Corrections is no longer
17 responsible for their calculation. We record the
18 information as provided to us by the parole board.
19 That is our role at that point.

20 BY MS. TOBIN:

21 Q So you might not have -- wouldn't have looked
22 in his file?

23 A No. No. Because at that point his fight
24 isn't with the Department of Corrections, it's with
25 the parole board.

1 (Whereupon, a document was produced and
2 marked as Kodack Exhibit No. 35-B for identification.)

3 BY MS. TOBIN:

4 Q I'm showing you Kodack 35. If you could read
5 that to yourself, and let me know when you're done.

6 A Okay.

7 Q What is this document?

8 A It's the superintendent's response to Mr.
9 Jessup's appeal.

10 Q And, again, there's a CC line to you, to Mr.
11 Dunn, to the DC-15 and the DC-14, and then to the
12 file. Did you get a copy of this after Mr. Varano
13 gave it to Mr. Jessup?

14 A I don't recall specifically.

15 Q Do you remember speaking with Mr. Varano
16 about the information in this document?

17 A No, I do not.

18 Q And it indicates that the DC-15 got a copy of
19 this and that Ms. Kodack also got a copy of this. So
20 do you have a separate file where you keep memos or
21 grievance responses that the superintendent is giving
22 you or other communications?

23 A No. If it pertains to a specific inmate, I
24 would review it and put it in the file.

25 Q So if it came to you, you would review it and

1 then put it in the DC-15?

2 A That's correct.

3 Q So it doesn't just get filed without you
4 reading it?

5 A It shouldn't, let's put it that way.

6 Q And then this particular document says that
7 Mr. Chappelle can address his issues with the parole
8 board. Do you know whether he did address his issues
9 with the parole board?

10 A No, I do not know.

11 Q Did you -- how would he address his issues
12 with the parole board?

13 MR. KEATING: I'm going to object to that
14 question. You're asking her to speculate as to how
15 your client would have addressed something to a parole
16 board.

17 BY MS. TOBIN:

18 Q Do you know how inmates can communicate with
19 the parole board?

20 MR. KEATING: Thank you.

21 THE WITNESS: The same as they do with us.
22 They would send a request to the institutional parole
23 office.

24 BY MS. TOBIN:

25 Q So just like you testified yesterday, they

1 don't have a hall pass to come knock on your door,
2 they also don't have a hall pass as far as you know to
3 go knock on the institutional parole office door?

4 A No. The parole office can request for an
5 inmate to be sent to them if they feel it's necessary.

6 Q Has the institutional parole office ever
7 contacted you in connection with a sentence or parole
8 backtime sentence issue and had you and the inmate
9 come to their office or meet with them as a group?

10 A No.

11 Q After you reviewed this document, did you
12 take any further action with regard to his sentence
13 calculation issue?

14 A I don't know.

15 (Whereupon, a document was produced and
16 marked as Kodack Exhibit No. 36 for identification.)

17 BY MS. TOBIN:

18 Q I'm showing you Kodack 36. If you could
19 please take a look at that. And do you recognize this
20 document?

21 A No, I do not.

22 Q Do you know what an appeal to Secretary's
23 Office of Inmate Grievances and Appeals is?

24 A Yes, I do.

25 Q What is it?

1 A He's appealing the superintendent's decision
2 to uphold my grievance response.

3 Q And is this the next step in the grievance
4 process for the DOC for an inmate?

5 A From what I understand, yes.

6 Q This is dated June 4th, 2009 as received by
7 the Inmate Grievances and Appeals Office. After that
8 date, do you recall anyone from the DOC contacting you
9 to discuss Mr. Chappelle's complaint?

10 A No, I do not.

11 Q Do you recall anybody from outside the DOC
12 contacting you?

13 A No.

14 Q After that date?

15 A No.

16 (Whereupon, a document was produced and
17 marked as Kodack Exhibit No. 37 for identification.)

18 BY MS. TOBIN:

19 Q This is Kodack 37. Do you recognize this
20 document?

21 A Yes, I do.

22 Q And what is this?

23 A This is the secretary's office. This is
24 their response to Mr. Jessup's grievance appeal.

25 Q And what's your understanding of the

1 response?

2 A They upheld the institution's decision to
3 deny his appeal.

4 Q The main paragraph of the response, the
5 second sentence, the responses provided to you by the
6 institutional staff are correct and if you have a
7 dispute with the PV maximum date, you must address
8 that with them.

9 Do you recall anybody from the secretary's
10 office contacting you to ask about Mr. Chappelle's
11 complaint in this grievance?

12 A I don't recall anybody contacting me, no.

13 Q Had they contacted -- does the secretary's
14 office ever contact you when they're trying to review
15 an inmate's grievance if it has to do with sentence
16 credit issues?

17 A I have received phone calls from them, yes.

18 Q And do they ask you to -- what do they ask
19 you? I mean what is the nature of that communication?

20 A Sometimes they'll ask me to pull the file and
21 maybe look something up that's not available for them
22 to see on the computer.

23 Q But in this case you don't remember them
24 doing that?

25 A No, I do not.

1 Q Had they done that would there be a notation
2 in the file?

3 A Most likely, no.

4 MS. TOBIN: Could I take a look at your
5 exhibits? I mislabeled two exhibits. Kodack 35.
6 Let's relabel these. Bates number --

7 MR. KEATING: Kodack 35 is Bates stamp
8 DEF000571. And that is the written letter from Mr.
9 Jessup or Chappelle titled appeal to facility manager.

10 MS. TOBIN: We're going to call 570 then
11 which is the next in the series we're going to call
12 that Kodack 35-B because I --

13 MR. KEATING: Why?

14 MS. TOBIN: Because I also called that Kodack
15 35.

16 MR. KEATING: I have that down as Kodack 36.

17 MS. TOBIN: I mislabeled these. So Bates
18 number 570 is going to be relabeled Kodack 35-B.

19 MR. KEATING: 570 Kodack 35-B. Okay.

20 MS. TOBIN: We're at a good point to break
21 for lunch. So we could take --

22 MR. KEATING: How much more time do you think
23 you have with Michelle?

24 MS. TOBIN: I think probably another hour.
25 So if we could break for a short lunch break, about

1 half an hour. Does that work?

2 MR. KEATING: Um-hum.

3 (Whereupon, a luncheon recess was taken from
4 12:20 p.m. until 1:08 p.m.)

5 AFTER RECESS

6 BY MS. TOBIN:

7 Q Just backing up to a question that was posed
8 on the interrogatories in response to the question for
9 you to identify the caption number and case name of
10 any other lawsuits that you're a defendant in, you
11 responded Shannon Williams versus Varano.

12 A Um-hum.

13 Q And you indicated it was still active. But
14 that was as of the time of the interrogatories which
15 was back in February. Is that case still active?

16 A You know what, I'm not sure. I haven't heard
17 anything.

18 Q All right. Have you been deposed in that
19 case?

20 A No.

21 Q Okay. What is that case about?

22 A You know what, I honestly have no idea.

23 Q Okay.

24 A I don't even know if I'm a defendant or a
25 witness. I really have no idea.

1 Q Okay. Fair enough. Yesterday at the end of
2 the deposition you made me copies of parole documents
3 from Mr. Chappelle's file from his DC-15. I will just
4 collectively label these 38. If you could just look
5 through that.

6 (Whereupon, several documents were produced
7 and marked collectively as Kodack Exhibit No. 38 for
8 identification.)

9 BY MS. TOBIN:

10 Q So, again, for the record what are those
11 documents, Kodack 38?

12 A These are parole board actions.

13 Q And would those be sent from the parole board
14 to the records department at Coal Township?

15 A Yes.

16 Q And who would get them within the records
17 department?

18 A Typically the specialist assigned to the case
19 reviews each one and determines whether or not any
20 action needs to be taken.

21 Q And if the action -- if action does need to
22 be taken, what kind of action would that be?

23 A Well, it all depends. There's a variety of
24 different board actions that can come in. So it
25 depends on what the decision is.

1 Q Would receiving and reviewing those documents
2 sometimes result in an updated 16E form?

3 A One of these alone sometimes, yes, on
4 occasion.

5 Q And then what are the other types of actions
6 that could be taken when you get the parole notice of
7 board decisions?

8 A The board decisions can be anything from
9 granting an inmate parole, denying an inmate parole,
10 changing his status from parole violator pending to a
11 technical parole violator or a convicted parole
12 violator to continue on parole. It can be many
13 different things.

14 Q And then the records office would -- would
15 you update your records based on the information
16 that's on those sheets?

17 A Again, it depends on whether or not what the
18 decision was. Certain things we would update. But
19 for the most part, no. Like I said, sometimes one of
20 these would trigger us to generate a new 16E. For the
21 most part they don't though.

22 Q Is there any kind of procedures, manual or
23 instructions that you have for how to handle these
24 particular documents, documents from the parole board?

25 A No.

1 Q Would they just be handled under Policy
2 11.5.1?

3 A Yes.

4 Q And either sections one or two?

5 A Yes.

6 Q Okay. Any other section that you can think
7 of that would be relevant to these?

8 A No. I don't believe so.

9 Q And what section of the DC-15 do these reside
10 in?

11 A It's called the prerelease section.

12 Q Okay. And that's a regular part of the file?

13 A Yes, it is.

14 Q I did check to see if I had gotten those that
15 are Bate stamped and I didn't see them. So if you
16 could do a double-check to see if there's other
17 documents in the prerelease section that I didn't get
18 from Mr. Chappelle, I'd appreciate it.

19 A Okay. Typically this is all that's in there.

20 Q Okay. So as you testified yesterday in July
21 of 2009, Mr. Chappelle was released from Coal
22 Township?

23 A Yes.

24 Q The moves report would say the exact date if
25 we could look at that.

1 A I believe it was July 30th. It was July
2 30th, 2009.

3 Q Okay.

4 A At 1554.

5 Q Okay. So how did he come to be released?
6 What's your understanding of why that happened?

7 A I'm gonna refer to Kodack 38 board action
8 dated July 29th, 2009 modifying his parole violation
9 max date. There would also be an attachment to this.
10 The Parole Board 39 Form would have also been attached
11 to this.

12 Q So you're referring to the top page of that
13 exhibit which we haven't Bate stamped. What's the
14 date of that?

15 A July 29th, 2009.

16 Q And is that -- I see on the document that
17 that is -- looks like a stamp. Is that the date that
18 it was received here or the date that the parole board
19 issued it?

20 A That's the date the parole board issued it.

21 Q And how is that conveyed, this document? How
22 is that conveyed to the records department?

23 A I don't recall. It may have been e-mailed.
24 It may have been faxed. I can't say for sure.

25 Q Well, what was your involvement in either

1 receiving that document or in the whole release
2 process for Mr. Chappelle?

3 A Again, I can't say exactly how I received it.
4 However, when we received it, we would have
5 immediately taken note of the maximum date already
6 being in the past and we would have updated his
7 sentence status sheet which was done and we would have
8 cleared his file to make sure there was no additional
9 arrests or outstanding warrants and arranged for his
10 departure.

11 Q And do you -- were you contacted by anyone at
12 the parole board either before or after getting this
13 document, this first page of Kodack 38?

14 A I can't say for sure in this case.

15 Q So you don't recall them calling you?

16 A No, I do not.

17 Q Do you remember if you yourself were involved
18 in updating the DC-16E to reflect this information?

19 A I believe I was.

20 Q I'm going to refer you back to Kodack 24 from
21 yesterday. And this is -- we discussed that
22 yesterday. If you could take a look at version six
23 which is Bates number 898. Can you describe what this
24 document is?

25 A This is his sentence status sheet.

1 Q Was this -- was this created in response to
2 that Kodack 38, page one?

3 A Yes, it was.

4 Q And can you describe how the input of
5 information or how this was created in response, the
6 process of creating this DC-16E?

7 A When we received this, we would have input
8 the information. Again, we get the information from
9 the Parole Board 39 Form. The specifics, the backtime
10 that gets entered into our mainframe and then we go
11 into DOCNet and we would go into the 16E system and go
12 through the sentence computation and basically update
13 it to reflect the new maximum date, and that's pretty
14 much it.

15 Q And so on the second page on page Bates
16 number 899, there's a column that says computation
17 five.

18 A Yes.

19 Q And the new maximum PV, that box that says
20 7/14/2009, is that automatically generated by the
21 computer or does someone type that in?

22 A It's pulled from our mainframe. That
23 information gets entered into our mainframe and then
24 when we go into DOCNet and go to the 16E program, it
25 gets automatically pulled from the mainframe.

1 Q So you entered information about -- actually,
2 I apologize. I don't have extra copies. But which
3 information on Kodack 38 was entered into the
4 mainframe?

5 A Again, I referred to Parole Board Form 39
6 which isn't attached to this. It's -- we reviewed it
7 yesterday. We had looked at it yesterday I know that.
8 But that's where most of the information is obtained
9 from.

10 Q Is that the recommitment order?

11 A Yes, it is.

12 Q Okay.

13 A I'm not sure if that's the one.

14 Q So it looks like this?

15 A Yes, that's what it looks like. It should be
16 dated 7/29.

17 Q Okay. So referring to Kodack 26. If you
18 could find the recommitment order if it's in that
19 stapled packet.

20 A Yeah. It's Bate stamp 946.

21 Q Okay. So that's the document that you got
22 information from to put into the mainframe which
23 generated the DC-16E?

24 A That's correct.

25 Q And specifically which information was

1 inputted? Which of these numbers?

2 A The backtime credit, the backtime owed, and
3 the new maximum date. That all gets entered. And
4 then there's also a note section in our mainframe that
5 allows us to enter the conviction resulting in
6 recommit.

7 Q And does a records specialist do that
8 usually?

9 A Typically, yes.

10 Q And you review their work?

11 A Yes.

12 Q Is there a place on the DC-16E to show who
13 entered it?

14 A I show as the one who last modified it.
15 However, I can't -- somebody would have created it and
16 that just means that I made a change after it was
17 created. I don't know who would have created it.

18 Q Created it meaning?

19 A Who initiated it and routed it to me.

20 Q And that would be initiated on whatever the
21 date is?

22 A 7/30/2009 at 2:36 p.m.

23 Q Okay. Any other involvement on your part or
24 on the part of records office staff in Mr. Chappelle's
25 release on the 30th of July?

1 A The only thing we would have done was we
2 would have sent out the memo that you referred to
3 here. We would have sent out a similar release memo
4 releasing him and then contacted the necessary
5 departments.

6 Because this was a last minute release, we
7 would have contacted them and arranged for
8 transportation. Just by the time that he left, it
9 looks like he probably took an afternoon bus.

10 Q So you were referring to -- were you
11 referring to Dunn 8?

12 A Not that memo. It wouldn't have been that
13 memo because obviously that was when he went out to
14 serve his federal detainer sentence. But it would
15 have looked like that, yes.

16 Q Would that be in the file as well, the
17 release memo?

18 A It may be. I believe it may be.

19 Q Okay. Do you know -- were you contacted
20 prior to July 30th of '09 by anyone in DOC chief
21 counsel's office about Mr. Chappelle?

22 A I believe I was.

23 Q And who were you contacted by?

24 A I don't remember the name.

25 Q Do you -- what was that -- the nature of that

1 conversation?

2 MR. KEATING: I'm going to object to you
3 asking questions about any conversations she had with
4 chief counsel or legal counsel.

5 MS. TOBIN: It relates to why he was
6 released.

7 MR. KEATING: Whether it relates to why he
8 was released or not, if you're talking about
9 conversations she had with legal counsel, as legal
10 counsel that's protected conversations.

11 MS. TOBIN: How is it protected if this
12 lawsuit wasn't even filed yet? It has nothing to do.

13 MR. KEATING: Doesn't make any difference
14 whether it's about a specific lawsuit or not. It has
15 to do with legal counsel information is legal counsel.
16 It's a protected conversation regardless of whether
17 what lawsuit it's about.

18 MS. TOBIN: I disagree with that. I think
19 that the privilege doesn't apply.

20 MR. KEATING: So if I talk to your client and
21 ask him about what he spoke to his public defenders
22 about concerning his prior convictions, you would
23 allow me to do that because it doesn't relate to this
24 case? I think any discussion with counsel that has to
25 do with legal matters is protected.

1 MS. TOBIN: Well, I'm not asking her about
2 legal matters. I'm not asking her --

3 MR. KEATING: You're asking her about legal
4 counsel and what else would they be talking about? It
5 wouldn't be a legal matter if it wasn't legal
6 counsel.

7 MS. TOBIN: That's what I'm trying to find
8 out. If it's not having to do with a case.

9 MR. KEATING: She can testify to the fact
10 that she may have spoken with legal counsel or they
11 contacted her. But the nature of the conversation and
12 what was discussed is protected. She could have been
13 talking about a totally different case. She could
14 have been talking about another case. And
15 regardless^--

16 MS. TOBIN: I understand your point.

17 MR. KEATING: -- of what the case is about,
18 it's discussions with legal counsel about a legal
19 matter. You can't ask her what she spoke to me about.
20 You can't ask what she spoke to legal counsel about.

21 BY MS. TOBIN:

22 Q Was it about a legal matter?

23 A Yes, it was.

24 Q Relating to Mr. Chappelle?

25 MR. KEATING: Period. Period. Doesn't make

1 any difference who it was related to.

2 MS. TOBIN: Well, she already testified it
3 was about Mr. Chappelle.

4 MR. KEATING: Well, regardless.

5 BY MS. TOBIN:

6 Q And that happened prior to July 30th?

7 A I believe so, yes.

8 Q Okay. Would a record of that conversation
9 not the content but the fact that it happened be in
10 the DC-15?

11 A I believe it was via e-mail and I believe
12 there's -- I have an e-mail in the file.

13 Q Just about the fact that the conversation
14 happened, not the content?

15 A No. I believe the content is in the file.

16 Q Was that provided in discovery?

17 A I don't know. I know there's an e-mail from
18 chief counsel in the file regarding Mr. Chappelle.

19 Q Okay.

20 A What its content is I don't recall.

21 Q Not asking you about the content. But after
22 that conversation, did you take any further action
23 with regard to Mr. Chappelle's release?

24 A No. It was my understanding it was -- they
25 were dealing with matters and it was out of my hands.

1 Q Okay. So in terms of your involvement with
2 his release, can you explain or describe what the
3 steps, if any, that you took? You said that the
4 records department got the recommitment order and then
5 the DC-16E you reviewed it. Anything else other than
6 those steps?

7 A No. Again, we just make arrangements to make
8 sure that he gets out. We send out the notification
9 that he's to be leaving and how he is leaving and
10 that's it.

11 Q Did you speak with Mr. Chappelle at that
12 time?

13 A No, I did not.

14 Q Did you speak with anybody in the
15 institutional parole office at that time?

16 A I don't know. I don't recall.

17 Q Was there anyone else in the records
18 department who was involved in his release process?

19 A Yes. There's always -- when we review the
20 DC-15 prior to release, we complete what I discussed
21 yesterday a release checklist and a specialist
22 completes that, and then I review it and sign off on
23 it.

24 Q Okay. Do you know why the parole board
25 issued the new document crediting him with backtime?

1 A No, I do not.

2 Q Did you follow-up with them to find out why?

3 A No.

4 Q Why not?

5 A I don't question what they do. They send me
6 the documents and they send me the information and,
7 again, we record it as provided to us by them.

8 Q Were you aware that Mr. Chappelle had filed a
9 Mandamus petition in state court, in common law court
10 about his excessive detention?

11 A No, I was not.

12 Q After you reviewed the grievance that Mr.
13 Chappelle filed which we talked about earlier,
14 Kodack^--

15 A Thirty-three?

16 Q Yes. After you reviewed that, did you
17 prepare a DC-121 extraordinary occurrence report?

18 A No.

19 Q Why didn't you?

20 A There's no reason to. Based on an inmate's
21 grievance?

22 Q Well, in his grievance he's complaining that
23 he's been held past his max date. Isn't there a
24 procedure where you're supposed to complete an
25 extraordinary occurrence report when you're alerted to

1 that?

2 A No. If he is, in fact, being held beyond his
3 maximum date and I have the information that supports
4 that, yes. But according to all the information I
5 have -- I had, he was not being held beyond his
6 maximum date.

7 Q And that includes information in his DC-15?

8 A Yes. That's correct.

9 Q So your review of that in your opinion you
10 didn't have enough information to fill out a DC-121?

11 A No.

12 MR. KEATING: What's a DC-121?

13 THE WITNESS: An extraordinary occurrence
14 report.

15 MR. KEATING: She asked you whether you had
16 enough information to fill out a 121.

17 MS. TOBIN: Right. And her answer was no.

18 MR. KEATING: And she said it wasn't
19 necessary to do that.

20 MS. TOBIN: Correct.

21 MR. KEATING: Okay.

22 BY MS. TOBIN:

23 Q Were there any other documents apart from the
24 DC-16E dated July 30th, '09 and the parole board
25 recommitment order and this document, Kodack 38, any

1 other documents related to -- and the release
2 checklist, related to Mr. Chappelle's release in July
3 of '09?

4 A Again, just the notification that he was
5 being released.

6 (Whereupon, a document was produced and
7 marked as Kodack Exhibit No. 39 for identification.)

8 BY MS. TOBIN:

9 Q I'm showing you Kodack 39. This is Kodack
10 39. Can you identify what this document is?

11 A Yes. We refer to that as 23B.

12 Q And is this something that the records office
13 uses?

14 A Not anymore, no.

15 Q When was it used?

16 A These were used prior to the implementation
17 of the DC-16E program.

18 Q So the 16E updating process replaces this
19 form?

20 A Yes.

21 (Whereupon, a document was produced and
22 marked as Kodack Exhibit No. 40 for identification.)

23 BY MS. TOBIN:

24 Q I'm showing you Kodack 40. Can you identify
25 what that document is?

1 A This is an internal document just saying that
2 all his dispositions have been reviewed and accounted
3 for.

4 Q And what does that mean?

5 A It means his rap sheet has been reviewed and
6 there's no outstanding dispositions.

7 Q And you mean --

8 A As of that date. As of the date listed on
9 there.

10 Q And who's responsible for looking at his
11 dispositions or looking at his rap sheet?

12 A The specialist reviews them and fills that --
13 well, we no longer use this either. The specialist
14 reviews them and they would fill that out; and then
15 when I do the release checklist, that's something I
16 also review.

17 Q And by dispositions, are you referring to
18 dispositions of a criminal case?

19 A Yes.

20 Q Can you also get that information through the
21 CLEAN system?

22 A That's where it's obtained from.

23 Q Is that the same thing as the rap sheet then?

24 A Yes.

25 (Whereupon, a document was produced and

1 marked as Kodack Exhibit No. 41 for identification.)

2 BY MS. TOBIN:

3 Q I'm showing you Kodack 41. If you could
4 please look at that. Do you recognize that document?

5 A Yes, I do.

6 Q And what is this document?

7 A It is a dissemination sheet.

8 Q And what is that?

9 A Anytime a rap sheet is run on an inmate, that
10 gets filled out and it tells you whether or not it was
11 disseminated to someone or if it was just kept for the
12 file.

13 Q So is it referring to dissemination of just
14 the rap sheet information?

15 A Yes.

16 Q So not dissemination of the entire file?

17 A That's correct.

18 Q Do you have other dissemination sheets for
19 other pieces of information in the file?

20 A No.

21 Q What's the purpose behind this sheet?

22 A We are required by law to record any
23 dissemination of his criminal history.

24 Q To keep track of who you give it to?

25 A That's correct. The state police actually

1 come in and audit us every few years to ensure that
2 we're doing that.

3 Q So is this something that's still done?

4 A Yes.

5 Q Is it done in this format or electronically?

6 A No. In this format.

7 (Whereupon, a document was produced and
8 marked as Kodack Exhibit No. 42 for identification.)

9 BY MS. TOBIN:

10 Q This is Kodack 42. Do you recognize that
11 document?

12 A Yes, I do.

13 Q And what is this?

14 A This is a release checklist.

15 Q And is this the same document you were
16 talking about yesterday?

17 A Yes, it is.

18 Q Okay. Is that your signature on this
19 checklist?

20 A Yes, it is.

21 Q And who is the other person who is signing
22 this?

23 A Kristi Macaluse.

24 Q And who was she?

25 A She was a records specialist.

1 Q So is this the checklist that was completed
2 when Mr. Chappelle was sent to his federal sentence in
3 July?

4 A Yes, it is.

5 Q Of '07. Okay. And a similar one would be
6 filled out, the same kind of form would be filled out
7 when he was released on parole in 2001?

8 A Yes.

9 Q And also when he was released for good on
10 July 30th, 2009?

11 A That's correct.

12 Q What section of the DC-15 is this document
13 kept in?

14 A The legal section.

15 (Whereupon, a document was produced and
16 marked as Kodack Exhibit No. 43 for identification.)

17 BY MS. TOBIN:

18 Q Showing you Kodack 43. Do you recognize this
19 document?

20 A It's a fax transmission report.

21 Q And do you recognize the fax number at the
22 top of the sheet?

23 A No, I do not. It looks like a Pittsburgh
24 area number.

25 Q It's what?

1 A The 412 area code it's a Pittsburgh area
2 code.

3 Q Do you know where the -- so this transmission
4 report indicates there were nine pages transmitted.
5 Do you know where the other -- where the nine pages
6 would be?

7 A No, I do not.

8 Q Does your office send faxes outside -- to
9 outside entities related to inmates' accounts or
10 inmates' records?

11 A I'm not sure what you mean by outside
12 entities.

13 Q Anything outside DOC or outside this
14 building?

15 A Typically, no. Not typically outside DOC,
16 no.

17 Q This document was produced as part of
18 discovery as part of Mr. Chappelle's DC-15 but the
19 nine pages weren't with it. So do you have any idea
20 what fax machine this came from or who may have sent
21 this fax so that this document would be in his file?

22 A I have no idea. I don't know who sent it. I
23 mean there's no other information. There's not
24 even -- I don't even know if this came from our fax
25 machine.

1 Q Would you be able to check your fax machine's
2 records for a log of faxes that were sent on this
3 date?

4 A I have no idea how to do that.

5 Q Do you have an office manager or an office
6 administrator who handles fax machines?

7 A No. No. We don't even have the same fax
8 machine anymore. We actually just got a new one.

9 Q Do you have communication with any office or
10 entity or person in Pittsburgh in order to do your
11 job?

12 A We frequently correspond with the Allegheny
13 County Sheriffs, with the Allegheny County Clerk of
14 Courts. That's pretty much it. Sometimes SCI
15 Pittsburgh. I don't know. Again, this could have^--
16 for all I know this could have been put in his file by
17 error. It could have ended up there by mistake. I
18 don't know.

19 Q But you haven't seen it before?

20 A No.

21 Q Do you keep track of the faxes that the
22 records department sends related to an inmate's
23 records? Like if you did send a fax related to Mr.
24 Chappelle, would you have some record of that being
25 sent?

1 A Not necessarily, no.

2 Q What do you do after you send a fax?

3 A It all depends on what it's regarding. I
4 mean sometimes it's very standard documents that are
5 being requested or that we're sending so we don't
6 always keep record of it.

7 Q Do you recall sending any faxes related to
8 Mr. Chappelle on July 29th, 2009?

9 A No, I do not.

10 Q Do you recall directing anyone in your office
11 to do so?

12 A No, I do not.

13 Q Who's in charge of maintaining the DC-15
14 file?

15 A The records office.

16 Q And what are the procedures to maintain those
17 files in terms of keeping track of what's in them?

18 A I'm not sure by what you mean keeping track
19 what's in them.

20 Q My understanding of the DC-15 is that there's
21 maybe six or seven sections divided by topic and
22 there's certain forms and documents that are supposed
23 to be in each section; is that correct?

24 A Yes.

25 Q Who makes sure that those documents are

1 actually in those sections?

2 A I mean I guess we do really. But, again, we
3 can only maintain what was received from other
4 departments or other entities, you know. Like, again,
5 like parole or the clerk of courts.

6 Q Is there -- okay. Is there an audit process
7 where you do review of each inmate's DC-15 to make
8 sure that it's accurate and all the documents are in
9 it?

10 A I believe I addressed this yesterday. I told
11 you when we do the release checklist, that's when the
12 file and when the inmate initially comes in. When the
13 inmate initially comes in, we go through the file and
14 make sure that all appropriate documentation is there.

15 And, again, when they're released or at any
16 time if they're screened for outside clearance or
17 prerelease work, we also review the file at that time.

18 Q For certain documents?

19 A Correct.

20 Q Not for every piece of paper?

21 A Right. I have no clue as to what is -- what
22 every single piece of paper should be in an inmate's
23 file. There's no way for me to tell.

24 Q So you're just looking for the things you
25 need to do your release checklist?

1 A That's correct.

2 (Whereupon, a document was produced and
3 marked as Kodack Exhibit No. 44 for identification.)

4 BY MS. TOBIN:

5 Q This is Kodack 44. Can you identify this
6 document?

7 A Yes. This is the release checklist that was
8 completed prior to Mr. Jessup's departure on 7/30.

9 Q And is that your signature in both sections?

10 A Yes, it is.

11 Q And does that -- that signature reflect that
12 you reviewed the work of the records specialist?

13 A Yes. That's correct.

14 Q Did you yourself look at these -- do these
15 processes in section one? When you reviewed her work,
16 how did you do that review?

17 A What happens is they run a rap sheet and they
18 review each section like number one is the DC-16D
19 looking for concurrent, out-of-state, and federal
20 sentences. They basically review all of that and I
21 just double-check basically their work.

22 Q So you have to do the review as well?

23 A Yes.

24 Q Section five on this document says released
25 to parole. In this case on 7/30/09, Mr. Jessup was

1 being released to the street, right?

2 A Yes.

3 Q Why was that section completed, the release
4 to parole section?

5 A It's standard procedure. I'm not sure I
6 understand what the basis is for the question, but
7 it's standard procedure.

8 Q He wasn't being released to parole though?

9 A No. He was completing his sentence.
10 However, at the time this was completed it was
11 obviously something that was last minute.

12 Q And then the top part section one, mandatory
13 procedures, those are followed regardless of what the
14 reason for the release is?

15 A That's correct.

16 (Whereupon, a document was produced and
17 marked as Kodack Exhibit No. 45 for identification.)
18 BY MS. TOBIN:

19 Q I'm showing you what's been previously marked
20 as Dunn 4 and also will be marked as Kodack 45. Do
21 you recognize that document?

22 A Yes, I do.

23 Q And what is that?

24 A It's an inmate request.

25 Q And that is one directed to records, correct?

1 A Yes.

2 Q And if you could read the inmate request
3 section.

4 A Can you please schedule me to talk to you or
5 someone in records concerning my total time spent
6 incarcerated at this institution. I believe there is
7 an error in my sentence calculation. Thanks. Kevin
8 Jessup.

9 Q And did you respond to this request?

10 A No.

11 Q Who responded to it?

12 A Ms. Herbst.

13 Q Why would Ms. Herbst respond to it if it was
14 directed to records to you?

15 A Because it was most likely assigned to her
16 caseload.

17 Q So did you tell Ms. Herbst to respond to this
18 after it came to you?

19 A I may not have even seen this. It may have
20 just gone directly to her.

21 Q And if you could read the response that's
22 typed there.

23 A If you need answers for time from your
24 technical convicted parole violation, you'll need to
25 talk to parole. We have nothing to do with their

1 calculations. As for your original sentence it
2 would've had to be right before you were paroled.

3 Q Did you talk with Ms. Herbst about this
4 request when it was filed?

5 A I don't recall.

6 Q Did you review it after she gave it to Mr.
7 Chappelle?

8 A I don't recall.

9 Q But you typically review all of the
10 specialists' work?

11 A Not all of it. Not requests, no.

12 Q Why don't you review those?

13 A Because it's not necessary.

14 Q Why is it not necessary?

15 A I can't review every single piece of paper
16 that goes through their desks. It's not -- it's not
17 time permitting. It's just not. There are certain
18 things that they are responsible for on their own and
19 inmate requests is one of them. If they have
20 questions regarding them, then they come to me.

21 Q And you don't remember if Ms. Herbst had a
22 question about this one?

23 A If I have a specialist that comes to me in
24 regards to an inmate request, typically I answer it
25 myself. I will take it and answer it myself.

1 Q That request is dated on May 18th, '09. Did
2 you review the request and the response before you
3 responded to his grievance when that was assigned to
4 you to respond to?

5 A I don't recall.

6 MR. KEATING: Are you talking about this one?

7 MS. TOBIN: The grievance.

8 MR. KEATING: This is not -- yeah. Why don't
9 you show her a copy of the grievance. Are we talking
10 about the grievance again?

11 THE WITNESS: I have that.

12 MS. TOBIN: The grievance is --

13 THE WITNESS: Is it 33?

14 MS. TOBIN: Kodack 34.

15 MR. KEATING: What was the question about the
16 grievance?

17 BY MS. TOBIN:

18 Q So when you made this response to his
19 grievance --

20 MR. KEATING: And that's Kodack 34?

21 MS. TOBIN: Right.

22 BY MS. TOBIN:

23 Q Did you review Kodack -- the request dated^--

24 MR. KEATING: The one responded to by Herbst?

25 MS. TOBIN: Yes.

1 BY MS. TOBIN:

2 Q Did you review Kodack 45 when you were
3 compiling your response?

4 A I don't recall. If it was in the file, I
5 would have looked at it.

6 Q Okay. And do you remember not necessarily in
7 connection with that request but at any time do you
8 remember discussing Mr. Chappelle's allegations of
9 over detention with Ms. Herbst?

10 A No, I do not recall.

11 (Whereupon, a document was produced and
12 marked as Kodack Exhibit No. 46 for identification.)

13 BY MS. TOBIN:

14 Q This is Kodack 46. Do you recognize this
15 document?

16 A Yes. It's an inmate request.

17 Q And who is this one directed to?

18 A This is directed to Ms. Dascani.

19 Q And who is she?

20 A She was the correction superintendent's
21 assistant.

22 Q Okay. This one is dated May 21st, '09. If
23 you could just take a moment and read to yourself the
24 section eight.

25 A Sure. Okay.

1 Q After -- do you recall seeing a copy of this
2 request in the past?

3 A No, I do not.

4 Q And after May 21st, '09, did Ms. Dascani or
5 anyone from the superintendent's office talk to you
6 about the subject of this request which is, again, the
7 max date issue?

8 A I don't recall.

9 Q If they had spoken with you, would you have
10 noted that in the file?

11 A No.

12 Q Were you ever -- were you ever contacted --
13 did Mr. Varano ever let you know that Mr. Chappelle's
14 family had called about his max date?

15 A I don't recall.

16 Q Were you ever notified by Mr. Varano about
17 any contact he'd had with Mr. Chappelle's lawyer about
18 his max date?

19 A I don't recall.

20 Q You never had any discussions about --

21 A Not that I can recall, no.

22 Q Had you been contacted by Mr. Chappelle's
23 lawyer about the max date issue, do you know what
24 steps you would have taken?

25 A I would have --

1 MR. KEATING: I'm objecting to that question.
2 You're asking for speculation.

3 THE WITNESS: I can't recall and I --

4 MR. KEATING: She's saying if he had called,
5 what -- do you know what you would have done?

6 THE WITNESS: If he would have called, if I
7 would have spoken to him, I would have directed him to
8 the parole board.

9 BY MS. TOBIN:

10 Q Who is in charge of purging DC-15's?

11 A Records office.

12 Q At each institution?

13 A Yes.

14 Q And who specifically is in charge of that
15 within the records office?

16 A Records specialists.

17 Q Do they purge their own caseload files?

18 A No. No. We take turns. Each year somebody
19 different will do it.

20 Q And there's a retention schedule that's
21 followed?

22 A Yes. That's correct.

23 Q Is that schedule number 67?

24 A I don't know off the top of my head.

25 Q Where's the retention schedule located in

1 terms of your policies and procedures?

2 A I'm not sure.

3 Q And what happens when you purge the records?

4 A We keep the records for two years. After two
5 years, we purge certain information out of the file.
6 And then the following year which would be the third
7 year, they're taken down to the state records center
8 and they're obtained there for ten years.

9 Q So some are destroyed after two years and
10 some are kept for longer?

11 A No. Only certain information is destroyed
12 after two years. All legal information is obtained
13 and certain information is destroyed.

14 Q Do you know which information is destroyed?

15 A I believe the -- most of the correspondence
16 is destroyed. Not having it in front of me, I don't
17 recall. I can't say for sure everything.

18 Q And that's after the two years after the
19 inmate's released?

20 A That's correct.

21 Q Is there a document that's put in the file
22 notifying or just making a note of what was destroyed?

23 A No.

24 Q So if things are destroyed but you don't --
25 but whoever's looking at the file in the future

1 doesn't necessarily know what was destroyed?

2 A That's correct.

3 Q Who comes up with the DOC policy on records
4 retention? Do you know?

5 A That gets handled through our records -- the
6 records section.

7 Q At the?

8 A At the central office.

9 Q Would that be the records administrator?

10 A Yes.

11 MR. KEATING: Who makes the policy?

12 MS. TOBIN: That was the question, yeah. Who
13 makes the policy?

14 MR. KEATING: Is that who you believe makes
15 the policy?

16 THE WITNESS: That's who I believe makes the
17 policy.

18 MS. TOBIN: I just need to take like a quick
19 five-minute review and make sure I have no more
20 questions for you, and I think I'm almost done. So we
21 can just take a short break, and I'll double-check
22 that.

23 (Whereupon, a recess was taken from 2:00 p.m.
24 until 2:06 p.m.)

25 AFTER RECESS

1 BY MS. TOBIN:

2 Q Just to get confirmation. Do you recall ever
3 interviewing Mr. Chappelle about his complaint in his
4 grievance?

5 A No, I do not.

6 Q Do you think that you did or did not?

7 A No, I did not.

8 Q So you know that you did not?

9 A No. I know that I did not.

10 Q Okay. Do you have any criminal convictions?

11 A No, I do not.

12 Q Do you have any military history?

13 A No.

14 MS. TOBIN: I have no further questions for
15 you.

16 MR. KEATING: I have a couple.

17 MS. TOBIN: Unless he asks one that triggers
18 one.

19 CROSS-EXAMINATION

20 BY MR. KEATING:

21 Q I want to make reference to Kodack Number 36
22 and that's the appeal from facility manager's decision
23 by Mr. Jessup. As I recollect, and correct me if I'm
24 wrong, you testified you don't recall whether you had
25 read that before or not; is that a correct statement?

1 A That is a correct statement.

2 Q Have you had the opportunity today to review
3 what he wrote in this -- the first couple pages here?

4 A Yes, I have.

5 Q Now, if you had interviewed Mr. Jessup at any
6 time and if he told you exactly what he said here,
7 what would you have advised him?

8 A I would have advised him to contact the
9 parole board.

10 Q Now, on Kodack number I believe it's 35, he
11 writes in his appeal from the initial review response
12 if there is a mistake either made by the courts and/or
13 the board in giving an inmate credit for time spent in
14 custody, the Department of Corrections has the
15 authority to credit an inmate the correct time spent
16 in custody to the new sentence and/or the original
17 sentence. Is that true?

18 A No, it is not.

19 Q Once the board of probation and parole make a
20 decision as to what an inmate's max date is, do you
21 have the ability to change that without their
22 permission?

23 A No, I do not.

24 Q I believe you testified that since you have
25 been working here, I'm not sure in what capacity, that

1 there have been three instances where inmates have
2 been kept past their max and Mr. Chappelle was one of
3 them?

4 A That is correct.

5 Q Is that since you've been a records
6 supervisor or since you've been here totally?

7 A Since I've been here totally.

8 Q Now, I believe the records show that the
9 probation and parole recalculated his max date for
10 July 14th, 2009; is that a correct statement?

11 A Yes. That's correct.

12 Q And he was ultimately released on July 30th,
13 2009, correct?

14 A That's correct.

15 Q So the records would show he was kept here
16 past his max by 16 days?

17 A Correct.

18 Q The parole decision changing his maximum was
19 done on July 29th as reflected by the records we have
20 here today?

21 A Yes. That's correct.

22 Q And he was released the next day?

23 A That's correct.

24 Q So can I assume for the sake of discussion
25 that someone at parole had contacted this institution

1 saying that that was about to happen and that you did
2 not get that decision through regular mail?

3 A Yes. Correct.

4 Q Because it was the next day you released him?

5 A Correct.

6 Q We've had a lot of discussion on calculation
7 of backtime and street time and all that. Would you
8 agree with me the calculations of time can be fairly
9 complicated?

10 A Absolutely.

11 Q And who has more training on calculating
12 parole time and backtime? Would it be individuals in
13 your office or would it be individuals at the
14 Pennsylvania Board of Probation and Parole?

15 A Board of probation and parole.

16 Q Has anyone at the Department of Corrections
17 ever filed a detainer on inmates to keep them longer?

18 A No.

19 Q Does anyone in the Department of Corrections
20 have the ability to lift detainers by other
21 administrative agencies?

22 A No.

23 Q If an inmate's family or other members of the
24 outside public contact you either directly or
25 indirectly and complain that the inmate they are

1 talking about is being held past his max, do you -- do
2 you always check into that and check the records on
3 it?

4 A Yes.

5 MR. KEATING: I have no further questions.

6 REDIRECT EXAMINATION

7 BY MS. TOBIN:

8 Q With regard to Kodack 35, counsel asked
9 you^--

10 MR. KEATING: Is that 35 or 35-B? I'm not
11 sure if you changed that one or not.

12 BY MS. TOBIN:

13 Q Well, counsel just now asked you --

14 MR. KEATING: It's a letter dated May 23rd,
15 2009 written by Mr. Jessup titled reappeal from
16 initial review response. Appeal to facility. That's
17 the one I was talking about.

18 BY MS. TOBIN:

19 Q Okay. Counsel asked you if you had an
20 opportunity to read that just today at the deposition
21 or was that this one?

22 MR. KEATING: That was 36.

23 BY MS. TOBIN:

24 Q Okay. I misspoke then. And then followed up
25 by asking you if you had the authority to change a

1 parole board calculation and you responded no, you do
2 not. What's your understanding of the basis for your
3 inability to do that? Why can't you do that?

4 A Because I don't have the proper
5 documentation. That's like me changing a court order
6 just because I think it's wrong. I don't have the
7 authority to do that. I don't have the authority to
8 change what the parole board has given me.

9 If it's in writing and it's given to me by
10 the parole board and it's an official document, I
11 record it as provided to me. I cannot change it.

12 Q So the only thing you could do is ask -- you
13 could call the parole board and say what is this?
14 What's the basis for this?

15 A Correct.

16 Q But you can't change it?

17 A That's correct.

18 MS. TOBIN: I have no further questions.

19 THE WITNESS: Okay. Great.

20 RECROSS-EXAMINATION

21 BY MR. KEATING:

22 Q As part of the parole board can you talk to
23 the institutional parole officer in here and notify
24 them of the problem?

25 A That would be what I would do. I would

1 contact them and they would go -- they're our liaison
2 through the parole central office.

3 Q And that's what you told Mr. Jessup to do?

4 A Yes.

5 MR. KEATING: Okay.

6 MS. TOBIN: Thank you very much.

7 (Whereupon, the deposition was concluded at
8 2:14 p.m.)
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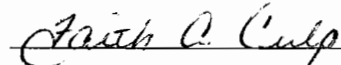
1 COUNTY OF UNION :

2 COMMONWEALTH OF PENNSYLVANIA:

3 I, Faith A. Culp, the undersigned Notary
4 Public, do hereby certify that personally appeared
5 before me, MICHELLE KODACK; the witness, being by me
6 first duly sworn to testify the truth, the whole truth
7 and nothing but the truth, in answer to the oral
8 questions propounded to her by the attorneys for the
9 respective parties, testified as set forth in the
10 foregoing deposition.

11 I further certify that before the taking of
12 said deposition, the above witness was duly sworn,
13 that the questions and answers were taken down
14 stenographically by the said Faith A. Culp, Court
15 Reporter, Winfield, Pennsylvania, approved and agreed
16 to, and afterwards reduced to typewriting under the
17 direction of the said Reporter.

18 In testimony whereof, I have hereunto
19 subscribed my hand this 29th day of June, 2012.

20 

21 Faith A. Culp
22 Reporter-Notary Public
23 My Commission Expires
24 August 23, 2014
25

Commonwealth of Pennsylvania

STD-370

POSITION DESCRIPTION

Last Name Varano		First Name David		MI		Employee Number 00063760			
Job Corr Supt 2		Job Code 47421		Working Title Corr Supt 2		Position Number 00174072			
Department Corrections		Organization CR SCI Coal Twp		Organization Code 1800					
Supervisor's Last Name Johnson		Supervisor's First Name J Barry		Supervisor's Job Title Region Dep Sec Corr		Supervisor's Pos Number 00151820			
Start Time 0830	End Time 1700	Hours/Week 37.5	Days Worked (Check all that apply)				Explain any schedule variations: As Directed.		
			S	M	T	W	T	F	S
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Position Purpose: Describe the primary purpose of this position and how it contributes to the organization's objectives. Example: *Provides clerical and office support within the Division to ensure its operations are conducted efficiently and effectively.*

Administration, implementation, and enforcement of Administrative Directives, policies, and Administrative memoranda issued by Secretary of Corrections. Issue local operational procedures. Review and evaluate required records, report forms, or documents established for use in implementing directives, policies, or procedures. Work through appropriate Deputy Superintendent, Personnel Officer, Business Manager, or Department Heads to ensure compliance. Evaluate impact of directives and policies on the general welfare of inmates, personnel, institution operations, and public. When indicated, recommend to Secretary of Corrections changes or modifications in directives, policies and procedures.

Description of Duties: Describe in detail the duties and responsibilities assigned to this position. Descriptions should include the major end result of the task. Example: *Types correspondence, reports, and other various documents from handwritten drafts for review and signature of the supervisor.*

Direct supervision of Deputy Superintendent for Facilities Management, Deputy Superintendent for Centralized Services, Secretarial Supervisor 2, Business Manager, Superintendent Assistant, Personnel Officer, Facility Maintenance Manager, and Critical Incident Manager, through individual supervisory conferences, weekly Administrative Staff Meetings, frequent telephone communications, review of reports, and other documents.

Indirect supervision of personnel through weekly meetings with Administrative Staff and monthly meetings with Department Heads and Commissioned Officers. Review work of each area with either Department Heads or appropriate Deputy Superintendent in conferences or review of reports or other documents.

Direct administrative supervision and monitoring of business operations of institution including budget request development, preparation of institution budgetary fund allocation, and fund expenditure in accordance with Commonwealth and Department of Corrections policies and procedures. Personally monitor overtime use and control expenditure of overtime funds by all departments. Familiarize with and ensure implementation of new fiscal policies or procedures. Review regular and special reports from Business Office submitted to Central Office, Department of Corrections, Agency Comptroller, or other Commonwealth fiscal authorities.

Review recommendations of institution Personnel Employee Screening Committee regarding employment of new personnel or promotion of current personnel to higher level vacant positions at institution. Review background and investigation reports and other-related documents. Make final local determination on employment of new personnel. In some instances, especially with higher level professional or administrative personnel, directly participate or observe employment interview.

Review agendas for local and state-wide Labor/Management Meetings with institution Labor/Management Coordinator prior to meetings and results of meetings. Review written grievances by employees and written responses to them made by appropriate management personnel during entire process on a step-by-step basis, and become involved in handling resolutions, or responses to grievances where institution policies or essential procedures are

DEF000202

involved.

Review and approve unit team or staff recommendations on inmates for: 1) Outside Clearance Status, 2) Pre-Release Status, 3) Home Furloughs, 4) community Center Referrals, 5) Parole, 6) Commutation of Sentence and 7) Special assignments requiring special security clearance.

Decision Making: Describe the types of decisions made by the incumbent of this position and the types of decisions referred to others. Identify the problems or issues that can be resolved at the level of this position, versus those that must be referred to the supervisor. Example: In response to a customer inquiry, I research the status of an activity and prepare a formal response for my supervisor's signature.

This position requires considerable use of independent judgment and action in achieving goals. Specific assignments may be given by the Secretary of Corrections, Executive Deputy Secretary or Regional Deputy Secretary by mail, fax, e-mail or telephone, or may be part of the implementation of a new administrative directive, policy, or new operating procedures. Specific performance objectives and standards are established by the Eastern Region Deputy Secretary, and are reviewed with incumbent on at least a semi-annual basis.

Requirements Profile: Identify any requirements, such as a licensure, registration, or certification, which may be necessary to perform the functions of the positions. Position-specific requirements should be consistent with a Necessary Special Requirement or other criteria identified in the classification specification covering this position. Example: Professional Engineer License

1. N/A

2. N/A

3. N/A

Essential Functions: Provide a list of essential functions for this position. Example: Transports boxes weighing up to 60 pounds.

1. See Above

2. See Above

3. See Above

4. See Above

5. See Above

6. See Above

7. See Above

8. See Above

9. See Above

10. See Above

CERTIFICATION

By entering my name below, I certify to the best of my knowledge all statements contained in this position description are correct.

Employee's Acknowledgement	Job Title:	Date
David A. Varano	Corr Supt 2	6/20/2008 3:12:51 PM
Supervisor's Acknowledgement	Job Title:	Date
J. Barry Johnson	Region Dep Sec Corr	6/20/2008 10:50:24 AM
Reviewing Officer's Acknowledgement	Job Title:	Date
William D. Sprenkle	Ex Dep Sec Corr	6/23/2008 10:45:25 AM

DEF000203



Department of Corrections

BODY RECEIPT

Receipt Date

4/15/2009

Receipt Time

9:15 PM

Agency

Dept of Corrections

Received From

Larry Spain

Title

Officer

Institution

Inmate #

Inmate Name

Race

Sex

Sent Stat

Custody Lvl

Program Codes

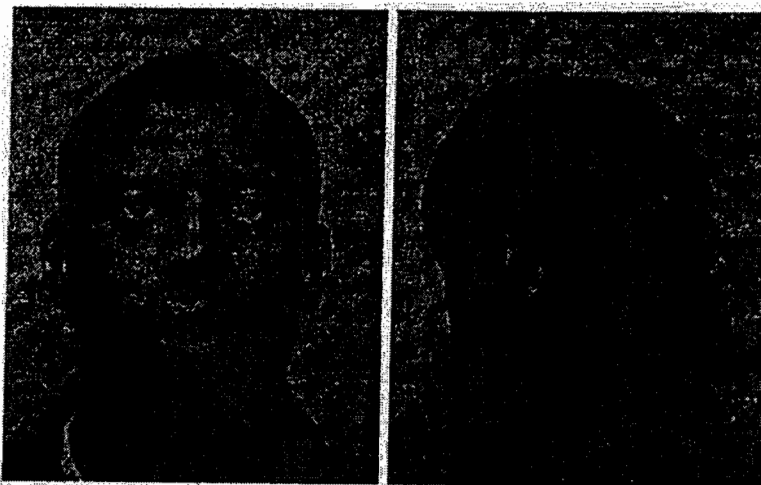
CX8799

JESSUP, Kevin

Black

Male

SP



Inmate Number: CX8799

Name: JESSUP, Kevin

Photo Date: 7/18/2007

☐ To Detainer☐ Confinement Papers☐ RA☐ Court WRIT-ATA☐ 7X Given to Transporting Authority☐ Other (Specify)

Received By

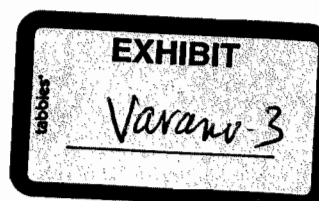
D. R. Wall

Title

Sgt.

Agency

SCI Coal Township



Kodeck-3

DEF001048

EXHIBIT

Karamo-5

DC-16D.

SENTENCE STATUS SUMMARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

1. SENTENCE SUMMARY

MR. MERROW CRS

File

Class of Sentence	<input type="checkbox"/> DEFINITE	<input checked="" type="checkbox"/> INDEFINITE	<input type="checkbox"/> GENERAL	<input type="checkbox"/> LIFE	<input type="checkbox"/> COMMUTED LIFE	<input type="checkbox"/> EXECUT						
Date	County	Number, Term Court, Indictment	Type Sent	Minimum			Maximum			Judge	Offense	Off Tra Nu
1-25-96	PHILADELPHIA	CP#0033;3/95		5			10			ALBERT DEFINO	ROBBERY	M641
1-25-96	PHILADELPHIA	CP#0033;3/95	CS	1			2			DEFINO	VUFA	M641
Continued From DC#		Plea	Total Sentence:	6			12			Commitment Credit FROM 1-26-95.		
Fines		Costs					Restitution					
Summary or Remarks on Sentence												

2. DATES SECTION

Item	Original	Change #1	Change #2	Change #3	Change #4	Change #5
DATE OF RECEPTION	1-29-96	10-22-2001				
EFFECTIVE DATE	1-26-95	1-26-95				
EXPIRATION OF MINIMUM	1-26-2001	1-26-2001				
EXPIRATION OF MAXIMUM	1-26-2007	1-26-2007				
EFFECTIVE DATE - PV	XXXXX	PVP				
DELINQUENT TIME	XXXXX					
BACKTIME	XXXXX					
NEW MAXIMUM - PV	XXXXX					
SENTENCE CHANGE	XXXXX					
BASIS FOR CHANGE	XXXXX					
NEW SENTENCE	XXXXX					
1st Release: Method—Inst.—Date	2nd Release: Method—Inst.—Date		3rd Release: Method—Inst.—Date		4th Release: Method—Inst.—Date	
PAR-HCC-COA-49-01						

3. REFERENCES AND IDENTIFICATION

1st Admission: Inst.—Date C/EDCC 1-29-96		2nd Admission: Inst.—Date T/CDCC 2-2-96		3rd Admission: Inst.—Date 4-18-96 54CT		4th Admission: Inst.—Date T/COA 1-22-02	
Prosecuting Police Department PHILA. PD		Place of Birth PHILADELPHIA, PA		Date of Birth 4-3-75		Marital Status SINGLE	
DC Number CX-8799		PBPP Number 491AS		SID Number 21714127		Name JESSUP, KEVIN	
				DEF00097B		ALIAS	

(OVER)

820

Karamo 216

4. ACTIONS: PENNSYLVANIA BOARD OF PAROLE				5. ACTIONS: BOARD OF PARDONS		
Date	Action	Date	Action	Date	Cal Page	Action

6. DETAINERS

Dated	From (Incl. Address)	Charging	Indict—Warrant Nos.	Remarks

7. SELECTIVE SERVICE SYSTEM CONTROLS

<input type="checkbox"/> Registered At Time of Reception	<input type="checkbox"/> Unregistered At Time of Reception	Remarks
--	--	---------

8. UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE CONTROLS

USINS Number	<input type="checkbox"/> USINS Notification of No Contemplated Action	<input type="checkbox"/> USINS Proceedings Instituted and Pending	<input type="checkbox"/> USINS Proceedings Completed Detainer; See Above
--------------	---	---	--

9. NOTIFY IN EVENT OF ILLNESS OR DEATH

Name	NADIRA MORRISON	Relationship	GERTEND
Address	1311 S. 53RD ST., PHILA., PA 19143	Telephone	(215) 727-2067

10. REMARKS - ATA - ETC.

1st Reception	
2nd Reception	
3rd Reception	
4th Reception	
Previous DC#	

DEF000979

DC-16E

SENTENCE STATUS SUMMARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

1. REFERENCES AND IDENTIFICATION

DOC Number CX8799	Commitment Name KEVIN JESSUP	PBPP No 496AS	SID No 21714127	FBI Number 511135TA5	Phila Photo # 750487
Date of Birth 04/03/1975	Place of Birth PHILADELPHIA PA USA			Race B	Sex M

2. SENTENCE SUMMARY

Sent Date	County	Indictments		Sent Type	Minimum			Maximum		
					Y	M	D	Y	M	D
01/25/1996	PHILADELPHIA	CP#0033/9503			5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT							
Offense:	ROBBERY (GENERAL)									
01/25/1996	PHILADELPHIA	CP#0033/9503		CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT							
Offense:	VUFA									

Controlling Minimum Date	01/26/2001		Reentered from Previous DOC#:	
Controlling Maximum Date	01/26/2007		New Maximum - PV	

Non-incarcerated Offenses

01/25/1996, PHILADELPHIA, CP#0033/9503, DEFINO,ALBERT
 VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES
 Comments:

Summary or Remarks on Sentence

CONVERSION FROM 16D TO 16E TO MAKE INMATE PVP AND ADD FEDERAL DETAINER

DEF000883

6

3. SENTENCE STRUCTURE

Commitment Credit FROM 1-26-95 TO 1-25-96				
Item	Computation 1	Computation 2		
Indictments Included	CP#0033/9503 CP#0033/9503			
Effective Date	01/26/1995			
Expiration of Minimum	01/26/2001			
Expiration of Maximum	01/26/2007			
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	02/12/1996			
Basis for Computation	PVP			
Total Sentence	6Y - 12Y			
Status	Pending			

6

4. DETAINERS

Number	Date	From	Indict-Warrant Nos.	OTN	Type
1	09/26/2002	USMS EASTERN	CR# 02-32-01		Execution

Detainer Remarks		
Detainer #	Date Deleted	Remarks (for those deleted since last DC16)
None		

5. PRIOR DOC NUMBERS

None									
------	--	--	--	--	--	--	--	--	--

6. FINES, COSTS AND RESTITUTION AT TIME OF RECEPTION

Date	County	Indictment	Fines	Costs	Restitution
01/25/1996	PHILADELPHIA	CP#0033/9503		\$191.00	

7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments

Last Modified by: wcarta



COMMONWEALTH OF PENNSYLVANIA

DC16E - SENTENCE STATUS SUMMARY DEPARTMENT OF CORRECTIONS

Name: Kevin Jessup

Inmate #: CX8799

Closed Version 2 Dated 12/19/2003 3:06:06 PM

1. REFERENCES AND IDENTIFICATION

DOC # CX8799	Commitment Name KEVIN JESSUP	PBPP # 496AS	SID # 21714127	FBI # 511135TA5	Phila Photo # 750487
DOB 04/03/1975	Place of Birth PHILADELPHIA PA USA			Race B	Sex M

2. SENTENCE SUMMARY

Sent Date	County/State/Federal	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
01/25/1996	Philadelphia	CP0033/9503		5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC3701 - ROBBERY (GENERAL)								
01/25/1996	Philadelphia	CP0033/9503	CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC6108 - CARRY FIREARM IN PUBLIC-PHILADELPHIA								

Reception Date	10/22/2001	Reentered from DOC #	
Controlling Minimum Date	01/26/2001	New Maximum - PV	02/16/2008
Controlling Maximum Date	01/26/2007	True Minimum Expiry Date	
RRRI Minimum Expiry Date			

Summary or Remarks on Sentence

Remarks	Version 2 created due to inmate being recommitted as a Technical Convicted Parole Violator (TCV). Sentence recomputed in accordance with PBPP Form 39 dated 12/02/2003.
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3. SENTENCE STRUCTURE**Commitment Credit**

Computation 1 CP0033/9503 : 01/26/1995 to 01/25/1996

Remarks**Bail/Escapes/Interruption Time Data**

None

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:2 Dated 12/19/2003 3:06:06 PM

3. SENTENCE STRUCTURE (Cont'd)

Item	Computation 1			
Indictments Included	CP0033/9503 CP0033/9503			
Eff Date	01/26/1995			
Expiration of Minimum	01/26/2001			
Expiration of Maximum	01/26/2007			
Custody for Return - PV	09/23/2002	E did not know when PBPP came up w/ this date, when he was arrested on 9/26/01 and put in DC-15.		
Delinquent Time		He does not know how this is calculated.		
Backtime Credit	4M24D	He does not know how this is calculated.		
Backtime Owed	5Y4M23D			
New Maximum - PV	02/16/2008			
Sentence Computation Date	12/19/2003			
Basis for Computation	TCV			
Total Sentence	6Y - 12Y			
Status	Active			

6 Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:2 Dated 12/19/2003 3:06:06 PM

4. NON-INCARCERATED OFFENSES

Sent Date	County/State/Federal	Indictments
01/25/1996	Philadelphia	CP0033/9503
Description:	VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES	
Comments		

5. DETAINERS

Detainer#	Date	Agency	Agency Identification	OTN	Type
1	09/26/2002	Usms Eastern	Cr# 02-32-01		Federal
Charges	- 162 M To 162 M				

Deleted Detainers (For those deleted since last DC16)

Detainer#	Date Deleted	Agency	Agency Identification	OTN	Type
None					
Remarks	None				

6. PRIOR DOC NUMBERS

None									
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7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments
None			

Last Modified By: Young, Don F

Signed Off By: Stahl, James N

Institution: Frackville



COMMONWEALTH OF PENNSYLVANIA

DC16E - SENTENCE STATUS SUMMARY DEPARTMENT OF CORRECTIONS

Name: Kevin Jessup

Inmate #: CX8799

Closed Version 3 Dated 6/27/2007 3:13:38 PM

1. REFERENCES AND IDENTIFICATION

DOC # CX8799	Commitment Name KEVIN JESSUP	PBPP # 496AS	SID # 21714127	FBI # 511135TA5	Phila Photo # 750487
DOB 04/03/1975	Place of Birth PHILADELPHIA PA USA			Race B	Sex M

2. SENTENCE SUMMARY

Sent Date	County/State/Federal	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
01/25/1996	Philadelphia	CP0033/9503		5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC3701 - ROBBERY (GENERAL)								
01/25/1996	Philadelphia	CP0033/9503	CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC6108 - CARRY FIREARM IN PUBLIC-PHILADELPHIA								

Reception Date	10/22/2001	Reentered from DOC #	
Controlling Minimum Date	01/26/2001	New Maximum - PV	
Controlling Maximum Date	01/26/2007	True Minimum Expiry Date	
RRRI Minimum Expiry Date			

Summary or Remarks on Sentence

Remarks	Version 3 created due to board action dated 6/25/2007 to remove TCV status and reflect inmate is now serving as a PVP. Inmate will return to the custody of the U.S. Marshals prior to serving PBPP backtime.
	Version 2 created due to inmate being recommitted as a Technical Convicted Parole Violator (TCV). Sentence recomputed in accordance with PBPP Form 39 dated 12/02/2003.

3. SENTENCE STRUCTURE

Commitment Credit	
Computation 2	CP0033/9503 : 01/26/1995 to 01/25/1996
Remarks	

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:3 Dated 6/27/2007 3:13:38 PM

Bail/Escapes/Interruption Time Data

None

Item	Computation 2			
Indictments Included	CP0033/9503 CP0033/9503			
Eff Date	01/26/1995			
Expiration of Minimum	01/26/2001			
Expiration of Maximum	01/26/2007			
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	06/27/2007			
Basis for Computation	PVP			
Total Sentence	6Y - 12Y			
Status	Pending			

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:3 Dated 6/27/2007 3:13:38 PM

4. NON-INCARCERATED OFFENSES

Sent Date	County/State/Federal	Indictments
01/25/1996	Philadelphia	CP0033/9503
Description:	VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES	
Comments		

5. DETAINERS

Detainer#	Date	Agency	Agency Identification	OTN	Type
1	09/26/2002	USMS EASTERN	CR# 02-32-01		Federal
Charges	- 162 M To 162 M				

Deleted Detainers (For those deleted since last DC16)

Detainer#	Date Deleted	Agency	Agency Identification	OTN	Type
None					
Remarks	None				

6. PRIOR DOC NUMBERS

None									
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7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments
None			

Last Modified By: Kodack, Michelle L

Signed Off By: Fobia, Christina M

Institution: Coal Township



COMMONWEALTH OF PENNSYLVANIA

DC16E - SENTENCE STATUS SUMMARY DEPARTMENT OF CORRECTIONS

Name: Kevin Jessup

Inmate #: CX8799

Closed Version 4 Dated 4/21/2009 10:05:54 AM

1. REFERENCES AND IDENTIFICATION

DOC # CX8799	Commitment Name KEVIN JESSUP	PBPP # 496AS	SID # 21714127	FBI # 511135TA5	Phila Photo # 750487
DOB 04/03/1975	Place of Birth PHILADELPHIA PA USA			Race B	Sex M

2. SENTENCE SUMMARY

Sent Date	County/State/Federal	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
01/25/1996	Philadelphia	CP0033/9503		5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC3701 - ROBBERY (GENERAL)								
01/25/1996	Philadelphia	CP0033/9503	CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC6108 - CARRY FIREARM IN PUBLIC-PHILADELPHIA								

Reception Date	04/15/2009	Reentered from DOC #	
Controlling Minimum Date	01/26/2001	New Maximum - PV	
Controlling Maximum Date	01/26/2007	True Minimum Expiry Date	
RRRI Minimum Expiry Date			

Summary or Remarks on Sentence

Remarks	<p>VERSION 4 CREATED TO SHOW PVP STATUS</p> <p>Version 3 created due to board action dated 6/25/2007 to remove TCV status and reflect inmate is now serving as a PVP. Inmate will return to the custody of the U.S. Marshals prior to serving PBPP backtime.</p> <p>Version 2 created due to inmate being recommitted as a Technical Convicted Parole Violator (TCV). Sentence recomputed in accordance with PBPP Form 39 dated 12/02/2003.</p>
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3. SENTENCE STRUCTURE

Commitment Credit
Computation 3 CP0033/9503 : 01/26/1995 to 01/25/1996

Remarks	
----------------	--

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:4 Dated 4/21/2009 10:05:54 A

Bail/Escapes/Interruption Time Data

None

Item	Computation 3			
Indictments Included	CP0033/9503 CP0033/9503			
Eff Date	01/26/1995			
Expiration of Minimum	01/26/2001			
Expiration of Maximum	01/26/2007			
Custody for Return - PV				
Delinquent Time				
Backtime Credit				
Backtime Owed				
New Maximum - PV				
Sentence Computation Date	04/16/2009			
Basis for Computation	PVP			
Total Sentence	6Y - 12Y			
Status	Pending			

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:4 Dated 4/21/2009 10:05:54 AM

4. NON-INCARCERATED OFFENSES

Sent Date	County/State/Federal	Indictments
01/25/1996	Philadelphia	CP0033/9503
Description:	VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES	
Comments		

5. DETAINERS

Active Detainers					
Detainer#	Date	Agency	Agency Identification	OTN	Type
Charges	None				

Deleted Detainers (For those deleted since last DC16)					
Detainer#	Date Deleted	Agency	Agency Identification	OTN	Type
1	7/19/2007	USMS EASTERN	CR# 02-32-01		Federal
Remarks	INMATE RELEASED TO THIS DETAINER				

6. PRIOR DOC NUMBERS

None									
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7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments
None			



COMMONWEALTH OF PENNSYLVANIA

DC16E - SENTENCE STATUS SUMMARY DEPARTMENT OF CORRECTIONS

Name: Kevin Jessup

Inmate #: CX8799

Closed Version 5 Dated 5/1/2009 10:26:44 AM

1. REFERENCES AND IDENTIFICATION

DOC # CX8799	Commitment Name KEVIN JESSUP	PBPP # 496AS	SID # 21714127	FBI # 511135TA5	Phila Photo # 750487
DOB 04/03/1975	Place of Birth PHILADELPHIA PA USA			Race B	Sex M

2. SENTENCE SUMMARY

Sent Date	County/State/Federal	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
01/25/1996	Philadelphia	CP0033/9503		5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC3701 - ROBBERY (GENERAL)								
01/25/1996	Philadelphia	CP0033/9503	CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC6108 - CARRY FIREARM IN PUBLIC-PHILADELPHIA								

Reception Date	04/15/2009	Reentered from DOC #	
Controlling Minimum Date	01/26/2001	New Maximum - PV	09/06/2014
Controlling Maximum Date	01/26/2007	True Minimum Expiry Date	
RRRI Minimum Expiry Date			

Summary or Remarks on Sentence

Remarks	<p>VERSION 5 CREATED TO SHOW TCV STATUS ACCORDING TO PBPP VERSION 4 CREATED TO SHOW PVP STATUS Version 3 created due to board action dated 6/25/2007 to remove TCV status and reflect inmate is now serving as a PVP. Inmate will return to the custody of the U.S. Marshals prior to serving PBPP backtime.</p> <p>Version 2 created due to inmate being recommitted as a Technical Convicted Parole Violator (TCV). Sentence recomputed in accordance with PBPP Form 39 dated 12/02/2003.</p>
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3. SENTENCE STRUCTURE

Commitment Credit	
Computation 4	CP0033/9503 : 01/26/1995 to 01/25/1996
Remarks	

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:5 Dated 5/1/2009 10:26:44 AM

Bail/Escape/Interruption Time Data

None				
Item	Computation 4			
Indictments Included	CP0033/9503 CP0033/9503			
Eff Date	01/26/1995			
Expiration of Minimum	01/26/2001			
Expiration of Maximum	01/26/2007			
Custody for Return - PV	04/14/2009			
Delinquent Time				
Backtime Credit	147D			
Backtime Owed	1971D			
New Maximum - PV	09/06/2014			
Sentence Computation Date	04/28/2009			
Basis for Computation	TCV			
Total Sentence	6Y - 12Y			
Status	Active			

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:5 Dated 5/1/2009 10:26:44 A

4. NON-INCARCERATED OFFENSES

Sent Date	County/State/Federal	Indictments
01/25/1996	Philadelphia	CP0033/9503
Description:	VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES	
Comments		

5. DETAINERS

Active Detainers					
Detainer#	Date	Agency	Agency Identification	OTN	Type
Charges	None				

Deleted Detainers (For those deleted since last DC16)					
Detainer#	Date Deleted	Agency	Agency Identification	OTN	Type
None					
Remarks	None				

6. PRIOR DOC NUMBERS

None									
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7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments
None			

Last Modified By: Herbst, Deborah K

Signed Off By: Kodack, Michelle L

Institution: Coal Township



COMMONWEALTH OF PENNSYLVANIA

DC16E - SENTENCE STATUS SUMMARY DEPARTMENT OF CORRECTIONS

Name: Kevin Jessup

Inmate #: CX8799

Closed Version 6 Dated 7/30/2009 2:36:10 PM

1. REFERENCES AND IDENTIFICATION

DOC # CX8799	Commitment Name KEVIN JESSUP	PBPP # 496AS	SID # 21714127	FBI # 511135TA5	Phila Photo # 750487
DOB 04/03/1975	Place of Birth PHILADELPHIA PA USA			Race B	Sex M

2. SENTENCE SUMMARY

Sent Date	County/State/Federal	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
01/25/1996	Philadelphia	CP0033/9503		5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC3701 - ROBBERY (GENERAL)								
01/25/1996	Philadelphia	CP0033/9503	CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC6108 - CARRY FIREARM IN PUBLIC-PHILADELPHIA								

Reception Date	04/15/2009	Reentered from DOC #	
Controlling Minimum Date	01/26/2001	New Maximum - PV	07/14/2009
Controlling Maximum Date	01/26/2007	True Minimum Expiry Date	
RRRI Minimum Expiry Date			

Summary or Remarks on Sentence

Remarks	Version 6 created to show modified TCV calculation per PBPP39. VERSION 5 CREATED TO SHOW TCV STATUS ACCORDING TO PBPP VERSION 4 CREATED TO SHOW PVP STATUS Version 3 created due to board action dated 6/25/2007 to remove TCV status and reflect inmate is now serving as a PVP. Inmate will return to the custody of the U.S. Marshals prior to serving PBPP backtime. Version 2 created due to inmate being recommitted as a Technical Convicted Parole Violator (TCV). Sentence recomputed in accordance with PBPP Form 39 dated 12/02/2003.
----------------	--

3. SENTENCE STRUCTURE

Commitment Credit

Computation 5 CP0033/9503 : 01/26/1995 to 01/25/1996

Remarks



Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:6 Dated 7/30/2009 2:36:10 P

Bail/Escapes/Interruption Time Data

None

Item	Computation 5			
Indictments Included	CP0033/9503 CP0033/9503			
Eff Date	01/26/1995			
Expiration of Minimum	01/26/2001			
Expiration of Maximum	01/26/2007			
Custody for Return - PV	04/14/2009			
Delinquent Time				
Backtime Credit	2027D			
Backtime Owed	91D			
New Maximum - PV	07/14/2009			
Sentence Computation Date	07/30/2009			
Basis for Computation	TCV			
Total Sentence	6Y - 12Y			
Status	Active			

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:6 Dated 7/30/2009 2:36:10 PM

4. NON-INCARCERATED OFFENSES

Sent Date	County/State/Federal	Indictments
01/25/1996	Philadelphia	CP0033/9503
Description:	VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES	
Comments		

5. DETAINERS

Active Detainers					
Detainer#	Date	Agency	Agency Identification	OTN	Type
Charges	None				

Deleted Detainers (For those deleted since last DC16)					
Detainer#	Date Deleted	Agency	Agency Identification	OTN	Type
None					
Remarks	None				

6. PRIOR DOC NUMBERS

None									
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7. ACTIONS: BOARD OF PARDONS

Decision Date	File Number	Action	Comments
None			

Last Modified By: Kodack, Michelle L

Signed Off By: Kodack, Michelle L

Institution: Coal Township

DC-300B (PART 1)
(Rev. 10-85)

COURT COMMITMENT

STATE OR COUNTY CORRECTIONAL INSTITUTION

Commonwealth of Pennsylvania

Type or Print Legibly

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

NOTE: Additional supply of this form available at above address:

☒ DC-300B (Part II) attached

SEX <input type="checkbox"/> F <input checked="" type="checkbox"/> M	DATE OF BIRTH 4/13/75	PP# 750487	OTN M6413794	COURT OF INITIAL JURISDICTION <input type="checkbox"/>	COMMON PLEAS <input checked="" type="checkbox"/>
COMMITTING COUNTY/MAGISTERIAL DISTRICT Philadelphia			COURT NUMBER 00331	DATE - TERM 95-03	

The above defendant after ☐ pleading guilty ☐ nolo contendere ☒ being found guilty was on
 Jan 25 1996 sentenced by Judge/District Justice A.J. McInnis to a term
 not less than 5 years months days nor more than 10 years months days, or
 for the offense of Robbery

(Section 3701 of the Crimes Code) or (other statute)

It is further ordered that the said defendant be delivered by the proper authority to and treated as the law

directs at the State facility located at Graterford

FINE AMOUNT \$	COSTS AMOUNT \$ 1900	RESTITUTION 1
To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH	To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT	
CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE) 1/24/95 - 1/25/96 IF NOT ALREADY CREDITED		EFFECTIVE DATE OF SENTENCE 1/25/96

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:

PROSECUTING ATTORNEY John Kotel	DISPOSITION OF NON-INCARCERATION OFFENSE(S) VUFA(6106), PIC, T/T, REAP, %CONSP. - guilty w/o penalty
DEFENSE ATTORNEY John Cotton Esq.	POW - not guilty
COURT REPORTER Jill Skilton	THEFT, RSP, S/A - MURDER
(THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE)	

In witness, whereof I have hereunto set my hand and seal of said court, this 25th day of January 1996


 AUTHORIZED SIGNATURE: 001157

EXHIBIT

tabbies

Varano-6

EXHIBIT

tabbies

Koschek-9

DC-300B (PART II)

(TO BE ATTACHED TO PART I - COURT COMMITMENT)

Type or Print Legibly

COURT COMMITMENT
CONTINUATION SHEET
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

NOTE: Additional supply of this form available at
address:

VS.
Joseph, Kevin
COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

COURT NUMBER *CP 95-03-00331* OFFENSE TRACKING NUMBER (OTN) *M6413794*

The above defendant after ☐ pleading guilty ☐ nolo contendere ☒ being found guilty was on
Jan. 25 19*96* sentenced by Judge/District Justice *A. J. McInnis* to a
not less than *1* years *—* months *—* days nor more than *2* years *—* months *—* days, or
for the offense of *VUFA*

(Section *6108* of the Crimes Code) or (other statute)

<p>FINE AMOUNT \$ <i>—</i> To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH</p>	<p>COSTS AMOUNT \$ <i>—</i> To Be Paid By: <input type="checkbox"/> COUNTY <input type="checkbox"/> DEFENDANT</p>	<p>RESTITUTION <i>—</i></p>
---	---	---------------------------------

CREDIT FOR TIME SERVED *1/24/95 - 1/25/96* EFFECTIVE DATE OF SENTENCE *1/25/96*
This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below.

COURT NUMBER OFFENSE TRACKING NUMBER (OTN)

The above defendant after ☐ pleading guilty ☐ nolo contendere ☐ being found guilty was on
—, 19*—* sentenced by Judge/District Justice *—* to a
not less than *—* years *—* months *—* days nor more than *—* years *—* months *—* days, or
for the offense of *—*

(Section *—* of the Crimes Code) or (other statute)

<p>FINE AMOUNT \$ <i>—</i> To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH</p>	<p>COSTS AMOUNT \$ <i>—</i> To Be Paid By: <input type="checkbox"/> COUNTY <input type="checkbox"/> DEFENDANT</p>	<p>RESTITUTION <i>—</i></p>
---	---	---------------------------------

CREDIT FOR TIME SERVED EFFECTIVE DATE OF SENTENCE

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:

(Seal)

In witness to the above sentence(s) for offense(s) as well as those found on the reverse side of this document, have hereunto set my hand and seal of said court

This *25th* day of *Jan*, 19*96*

AUTHORIZED SIGNATURE

ROOM 833 CITY HALL
PHILADELPHIA, PA 19107
(215) 686-1260 or 81 or 82

OX 8799

Vivian T. Jones
Clerk of Quarter Sessions

Charles L. Williams
First Deputy

Kenneth P. Conway
Second Deputy

DATE: 1-27-96

TO THE SUPERINTENDENT
STATE CORRECTIONAL INSTITUTION

COMMONWEALTH

vs.

Jessup, Kevin

A/K/A

Robb

RE: CREDIT TIME

CP# 95-03-0033

MC# 95-01-3038

WP# 750487

DEAR SUPERINTENDENT:

IN CHECKING THE RECORD OF THE ABOVE CAPTIONED DEFENDANT, HE/SHE IS TO BE CREDITED WITH THE SERVED WHILE INCARCERATED IN THE PHILADELPHIA COUNTY PRISON SYSTEM WAITING TRIAL, IF NOT ALREADY APPLIED ON ANOTHER MATTER.

FROM 1-26-95 TO 1-29-96

FROM TO

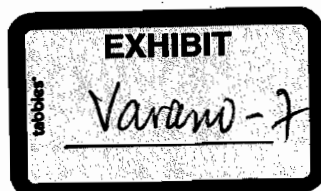
FROM TO

FROM TO

THE ABOVE CREDIT TIME WAS CALCULATED BY Clk M. Rybak
OF THE PHILADELPHIA COUNTY PRISON. THIS LETTER SHALL BE CONSTRUED AS AN AMENDMENT TO THE ORIGINAL COMMITMENT, AND IS BEING SENT TO YOU UNDER THE SEAL OF THE COURT.

SINCERELY,

Myrtis Gordon
MYRTIS GORDON
COURT SERVICES MANAGER
CLERK OF QUARTER SESSIONS
ROOM 833 CITY HALL
(215) 686-1260 or 81 or 82
001159



Kodachrome

Coal Township

COURT OF COMMON PLEAS
OFFICE OF COURT ADMINISTRATION
APPEALS DIVISION

DATE 10

RECEIVED

OCT 31 15

TO - RECORD ROOM SUPERVISOR, STATE INSTITUTIONS

FROM - SUSAN A. CARMODY, SUPERVISOR, APPEALS UNIT.

RE- JESSUP, KEVIN

REC.CNTRL# CP 9503-0033 1/1 PHOTO# 75C

STATUS- PRISON LOCATION- P.A. ST. CORR. C-X8799 DATE SENTENCED- 1

JUDGE- ANTHONY J DEFINDO

ATTORNEY FOR APPELLANT- JOHN P COTTER

APPELLATE# 0646PH

APPEAL TO- SUPERIOR COURT DATE FILED- 2/21/96 DOCKET PAGE- 0090

ON 10/22/97, THE RECORD IN THE ABOVE CAPTIONED MATTER WAS RETURNED TO THE JURISDICTION OF THE PHILADELPHIA COURT OF COMMON PLEAS, WITH THE FOLLOWING APPELLATE DISPOSITION-

JUDGMENT OF SENTENCE AFFIRMED AND ALLOCATUR DENIED BY SUPREME C

THEREFORE, THE SENTENCE IMPOSED ON 1/25/96 BY THE HONORABLE ANTHONY J DEFINDO STANDS.

CC - JUDGE ANTHONY J DEFINDO
COURT RECORD
FILE

(Handwritten signature)

EXHIBIT

Varano-8

DEF001156

Kodach-11

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

Mr. VARANO

1. To: (Name and Title of Officer)

Mr. VARANO

2. Date:

4/17/09

3. By: (Print Inmate Name and Number)

KEVIN JESSUP CX-8799

4. Counselor's Name

?

APR 20 2009

5. Unit Manager's Name

?

Inmate Signature

6. Work Assignment

7. Housing Assignment

T.O.C.

8. Subject: State your request completely but briefly. Give details.

I WAS RELEASED FROM FEDERAL CUSTODY ON 4/14/09 AND IMMEDIATELY DETAINED TO P.A. PAROLE ON VIOLATIONS. I ARRIVED AT S.C.I. COAL ON 4/15/09 AND HAS NOT SPOKEN TO ANY ONE FROM PAROLE ABOUT THIS MATTER. THERE HAS BEEN AN ERROR I MADE OUT MY REMAINDER OF SENTENCE IN 2007. RECORDS WILL VERIFY I WAS INITIALLY ARRESTED ON 1-25-95 SERVED 6 YEARS ON A 6 TO 12 YEAR SENTENCE. PAROLED ON 4-9-01. RE-ARRESTED ON 9-26-01 AND REMAINED IN S.C.I. COAL UNTIL 7-18-07. ON 7-18-07 I SIGNED OUT OF S.C.I. COAL AND WAS TAKEN INTO THE U.S. MARSHAL SERVICE FOR A FEDERAL DETAINER. I SERVED 24 MONTHS AND WAS DISCHARGED 4-14-09 NOW I AM BACK IN S.C.I. COAL AND I SHOULD NOT BE BECAUSE MY SENTENCE IS OVER MAX OUT. CAN SOMEONE TELL ME WHATS GOING ON.

your issues can be addressed with both parole and our Records office.

Obviously we would not be keeping you past your max date.

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

Staff Member Name

DA. Varano Supr

Print

Sign

Date

4-22-09

Revised July 2000

CC:

Ms Kodack
Parole office
File

EXHIBIT

tabbies

Kodack-31

DEF000566

EXHIBIT

Varano-9

DC

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

Mr. Varano

2. Date:

4/22/09

3. By: (Print Inmate Name and Number)

Kevin Jessup # 8799

4. Counselor's Name

FOLDS

5. Unit Manager's Name

Dunn

6. Work Assignment

NONE

7. Housing Assignment

P 2 cell 26

8. Subject: State your request completely but briefly. Give details.

Mr. Varano,

I served 12 years in this institution from 1-26-95 to 4-8-01 returned for violations on 9-26-01 to 7-12-07. I am on probation sentence back here for parole violations but I made this sentence out. I have all my status sheets, work sheets and documents etc. I've been back for a week and none of the staff or parole has been helpful. Can you "please" schedule me an appointment for me to talk to you about this situation. I've exhausted all remedies to try and resolve this matter. Thank you in advance.

9. Response: (This Section for Staff Response Only)

This is an issue which can be directed to both Parole and the Institution Records office.

Both of the office supervisors should be able to assist you!

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

Staff Member Name

D.A. Varano Supt

Print

Sign

Date

4-27-09

Revised July 2000

cc: file

EXHIBIT

Dunn-3

DEF000564

Kodeck - 31

CARBON II

Varano-10

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

Superintendent J. Scro. not
Mrs. DASCANI

2. Date:

5/21/09

3. By: (Print Inmate Name and Number)

Kevin Jessup ex-8799

4. Counselor's Name

FOULDS

5. Unit Manager's Name

DUNN

6. Work Assignment

GLP

7. Housing Assignment

P2 26

8. Subject: State your request completely but briefly. Give details.

I HAVE NOT GOTTEN A RESPONSE BACK FROM THE GRIEVANCE IVE FILED ON 5/5/09 REGARDING MY TIME CREDIT ISSUE. I HAVE BEEN IN THE CUSTODY OF S.C.I. CORRECTIONS FROM SEPT. 25, 2001 UNTIL JULY 18, 2007 AND HAVE BEEN RECEIVING GREEN SLIPS AND PAROLE REVOCATION MEMORANDUMS WHICH I HAVE COPIES OF. FOR SOME REASON I AM NOT RECEIVING CREDIT FOR ANY OF THOSE YEARS SPENT IN STATE CUSTODY. RECORDS OFFICE WILL VERIFY THAT I HAVE IN FACT BEEN DETAINED ON PAROLE VIOLATIONS SINCE SEPT. 26, 2001. I AM NOW WELL OVER MY MAX DATE AND SHOULD BE IMMEDIATELY RELEASED. MY ATTORNEY HAS SENT MR. VANDER A LETTER VERIFYING THIS MATTER BUT NO ACTION WAS TAKEN.

Your grievance was responded to on 5/20/09 by Mr. Fodack.

EXHIBIT

tabbies

Korlach-46

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

Staff Member Name

K. Dascani

Print

K. Dascani

Sign

Date

5/29/09

Revised July 2000

cc: Kevin Jessup ex-8799

DC-15
DEF000565

EXHIBIT

Vander-11

tabbies

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

271957
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: <u>S.C.S. CoAL Township</u>	DATE: <u>5/5/09</u>
FROM: (INMATE NAME & NUMBER) <u>KEVIN JESSUP CX 8799</u>	SIGNATURE OF INMATE: <u>[Signature]</u>	
WORK ASSIGNMENT: <u>CLP</u>	HOUSING ASSIGNMENT: <u>B 2 20 cell</u>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.

On May 4, 2009, I received from Records Office a new status summary, of which I respectfully disagree with how Records Office has credited the time I have spent in custody. There is 5 years 10 months that is not being credited to either my backtime or Federal sentence. I signed a letter on 4/29/09 from the Federal Probation office. The records office called me to give the letter so they were aware of my new sentence reduction of 24 months effective from 7/18/07 to 4/14/09 which completes my Federal time. I was arrested on 9/26/01, so from that date till 7/18/07, pursuant to 42 Pa.C.S.C. 9760 I am entitled to all time spent in custody that was not credited towards my Federal sentence. I request that this 5 years 10 months and counting be credited to my sentence. This will put me over my max date.

B. List actions taken and staff you have contacted, before submitting this grievance.

NOTICES AND COURT DOCUMENTS TO THE FOLLOWING:

MS. ELLIS MR. VARANO
Mr. Stout
MS. P. JAR
Records Dept.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

[Signature]
Signature of Facility Grievance Coordinator

5/7/09
Date

EXHIBIT

Varano-12

DC-ADM 804, Inmate Grievance S m

Attachment B

DC-804
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

271957

TO: (Inmate Name & DC No.) JESSUP, Kevin CX-8799	FACILITY SCI-COA	HOUSING LOCATION B-B	GRIEVANCE DATE 5/5/2009
---	---------------------	-------------------------	----------------------------

The following is a summary of my findings regarding your grievance:

This is in response to Grievance Number: 271957

Mr. Jessup:

The Parole Board and the Department of Corrections are two separate entities. As such, the Department of Corrections has no authority over the Parole Board. The issues that you address in this grievance need to be addressed to the Parole Board.

Additionally, your parole violation backtime is calculated by the Parole Board and provided by them to the Institutions Records Department for recording on your sentence status summary. Any questions or problems with your parole violation backtime calculation needs to be addressed to the Parole Board. We have no authority to change their calculation.

Taking all information into consideration your grievance is denied.

cc: Ms. Dascani
DC-15 Inmate Records
DC-14
File

Print Name and Title of Grievance Officer Michelle Kodack, Records Supervisor	SIGNATURE OF GRIEVANCE OFFICER <i>Michelle Kodack</i>	DATE May 21, 2009
--	--	----------------------

Copy

EXHIBIT

Varamo-13

EXHIBIT

Kodack-34

DEF000573

GRIEVANCE No. 27.

APPEAL TO FACILITY MANAGER

From Inmate: JESSUP, KEVIN, CX8799
 Facility: SCI-COAL Township
 Housing Location: BB-Block

SCI COAL TOWNSHIP
 2009 MAY 26 PM 2:18
 Superintendent's Assistant
 Office

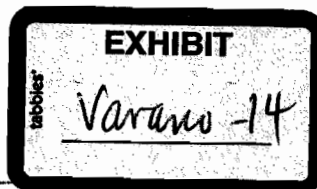
RE: APPEAL FROM INITIAL REVIEW RESPONSE

Inmate JESSUP, respectfully appeals the denial of his Initial Grievance No. 271957. Inmate JESSUP does understand that the Panel Board and the Department of Corrections are two separate entities, but Inmate JESSUP is not requesting the Department of Corrections to use any authority over the Panel Board. Under 42 Pa.C.S. § 9760, the Department of Corrections has authority to credit inmates for time spent in custody if there is a mistake either made by the courts and/or the Board in giving an inmate credit for time spent in custody, the Department of Corrections has the authority to credit an inmate the correct time spent in custody to the new sentence and/or the original sentence. As such the grievance clearly states that Inmate JESSUP is owed a total of 5 years 10 months and counting that need to be credited towards his original sentence. For that reason Inmate JESSUP respectfully requests that the Facility Manager grant Inmate JESSUP this appeal and have the 5 years 10 months plus credit towards his current sentence.

Respectfully Submitted

Date: 5/23/09

cc File



Kevin Jessup

Kodak-35

DEF000571

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution Coal Township
(570) 644-7890
May 26, 2009

SUBJECT: Appeal from Initial Review Grievance #271957

TO: Kevin Jessup [REDACTED]
B-B-1026

FROM: *David A. Varano*
David A. Varano
Superintendent

I have reviewed the initial grievance as submitted, investigation/response provided by Ms. Kodack and information that you now provide at the Facility Manager Review.

Ms. Kodack clearly reflects in her response that the Pennsylvania Parole Board is responsible for crediting of any back-time which you feel is warranted. Once credited, the Institution records Office would then be notified and reissue an updated sentence status sheet.

As she further states, any issues which you have at present, can be addressed with the Parole Board. If there should be any calculation issues, they would also address such.

The Facility Manager upholds initial response provided.

DAV/jh

cc: Ms. Kodack
Mr. Dunn
DC-15
DC-14 File – Counselor Foulds
File

V

Varano-15



DEF000570

Full Ap1
7/17
GRIEVANCE NO. 271957 *sentence*

APPEAL TO SECRETARY'S OFFICE OF INMATE GRIEVANCES AND APPEALS

From Inmate: Jessup, Kevin CX-8799

Facility: SCI-Coal Township

Housing Unit: BB-Block

*Department of Corrections
Inmate Grievances & Appeals*

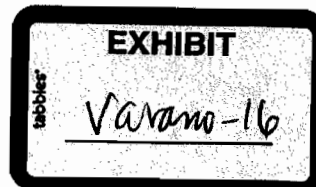
JUN 04 2009

RE: Appeal from Facility Manager's Decision

Inmate Kevin Jessup respectfully ~~appeals~~ the denial of his initial grievance and response No. 271957 (Exhibit A attached hereto) and the Facility Manager's Decision and Appeal (Exhibit B attached hereto). The initial review response and the Facility Manager's Decision have clearly not addressed the issue and continued to keep incarcerated Kevin Jessup well past his statutory maximum sentence.

The history of the actual events leading up to this point is set forth in the initial grievance No. 271957 as (Exhibit A). It is clear that since Mr. Jessup has been re-sentenced twice on his Federal sentence and since it has gone from a total of 162 months down to a total of now 24 months, there is a total of 5 years and 10 months plus not credited to either his Federal sentence or his original state sentence. (See Exhibit C). This is the basis for the grievance and the Records Office here at SCI-Coal Township and the Facility Manager here continue to refuse to exercise their statutory authority pursuant to 42 Pa.C.S.A. §9760, in crediting Mr. Jessup with this 5 years and 10 months plus against his original sentence.

The Department of Corrections has clear statutory authority pursuant to §9760 (2), (3). To not exercise this authority in crediting time spend in custody where there is a clear intent by the sentencing judge to credit this time, as well as, to not credit this time to his original sentence that has not been credited towards his Federal sentence is unconstitutional. This has also cause inmate Jessup to be detained unlawfully well past his maximum sentence that was imposed by the sentencing judge in his original case.



DEF000002

Koderich - 36

For the reasons set forth in inmate Jessup's initial grievance, appeal and now in this appeal, it is respectfully requested that inmate Jessup be granted relief by this appeal and the 5 years and 10 months plus be credited towards his original sentence and released from custody.

Respectfully Submitted,


Kevin Jessup

Date: 6/1/09

cc: file

DEF000003

EXHIBIT "A"

DEF000004

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

271957
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: S.C.I. COALTONSHIP	DATE: 5/5/09
FROM: (INMATE NAME & NUMBER) KEVIN JESSUP CX 8799	SIGNATURE OF INMATE: <i>Kevin Jessup</i>	
WORK ASSIGNMENT: GLP	HOUSING ASSIGNMENT: B 2 20 cell	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.

On May 4, 2009, I received from Records office a New Status Summary, of which I respectfully disagree with how Records office has credited the time I have spent in custody. There is 5 years 10 months that is not being credited to either my backtime or Federal sentence. I signed a letter on 4/29/09 from the Federal Probation office. The Records office called me to see the letter so they are aware of my new sentence reduction of 24 months effective from 7/18/07 to 4/14/09 which completes my Federal time. I was arrested on 9/26/01, so from that date till 7/18/07, pursuant to 42 Pa.C.S.C. 9760 I am entitled to all time spent in custody that was not credited towards my Federal sentence. I request that this 5 years 10 months and counting be credited to my sentence. This will put me over my max date.

B. List actions taken and staff you have contacted, before submitting this grievance.

NOTICES AND COURT DOCUMENTS TO THE FOLLOWING:

MS. ELLIS MR. VARANO
Mr. Stout
MS. P. JAR
Records Dept.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

James Hummer
Signature of Facility Grievance Coordinator

5/7/09
Date

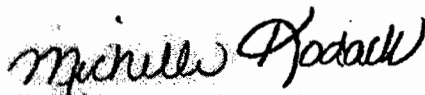
DC-ADM 804, Inmate Grievance System

Attachment B

DC-804
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

271957

TO: (Inmate Name & DC No.) JESSUP, Kevin CX-8799	FACILITY SCI-COA	HOUSING LOCATION B-B	GRIEVANCE DATE 5/5/2009
<p>The following is a summary of my findings regarding your grievance:</p> <p>This is in response to Grievance Number: 271957</p> <p>Mr. Jessup:</p> <p>The Parole Board and the Department of Corrections are two separate entities. As such, the Department of Corrections has no authority over the Parole Board. The issues that you address in this grievance need to be addressed to the Parole Board.</p> <p>Additionally, your parole violation backtime is calculated by the Parole Board and provided by them to the institutions Records Department for recording on your sentence status summary. Any questions or problems with your parole violation backtime calculation needs to be addressed to the Parole Board. We have no authority to change their calculation.</p> <p>Taking all information into consideration your grievance is denied.</p>			
cc: Ms. Dascani DC-15 Inmate Records DC-14 File			
Print Name and Title of Grievance Officer Michelle Kodack, Records Supervisor	SIGNATURE OF GRIEVANCE OFFICER 		DATE May 21, 2009

DEF000006

EXHIBIT "B"

DEF000007

GRIEVANCE No. 27195.

APPEAL TO FACILITY MANAGER

From Inmate: JESSUP, KEVIN, CX8799
 Facility: SCI-COAL TOWNSHIP
 Housing Location: BB-Block

RE: APPEAL FROM INITIAL REVIEW RESPONSE.

Inmate JESSUP, respectfully appeals the denial of his Initial Grievance No. 27195. Inmate JESSUP does understand that the Parole Board and the Department of Corrections are two separate entities, but Inmate JESSUP is not requesting the Department of Corrections to use any authority over the Parole Board. Under Md. PCSA § 9760, the Department of Corrections has authority to credit inmates for time spent in custody. If there is a mistake either made by the Courts or the Board in giving an inmate credit for time spent in custody, the Department of Corrections has the authority to credit an inmate the correction time spent in custody to the new sentence and/or the original sentence. As such the grievance clearly states that Inmate JESSUP is owed a total of 5 years 10 months and counting that need to be credited towards his original sentence. For that reason Inmate JESSUP respectfully requests that the Facility Manager grant Inmate JESSUP this appeal and have the 5 years 10 months plus credit towards his current sentence.

Respectfully Submitted
 Kevin Jessup
 KEVIN JESSUP

Date: 5/23/09
 cc: File

DEF000008

26

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution Coal Township
(570) 644-7890
May 28, 2009

SUBJECT: Appeal from Initial Review Grievance #271957

TO: Kevin Jessup CX-8799
B-B-1026

FROM: *David A. Varano*
David A. Varano
Superintendent

I have reviewed the initial grievance as submitted, investigation/response provided by Ms. Kodack and information that you now provide at the Facility Manager Review.

Ms. Kodack clearly reflects in her response that the Pennsylvania Parole Board is responsible for crediting of any back-time which you feel is warranted. Once credited, the Institution records Office would then be notified and reissue an updated sentence status sheet.

As she further states, any issues which you have at present, can be addressed with the Parole Board. If there should be any calculation issues, they would also address such.

The Facility Manager upholds initial response provided.

DAV/jh

cc: Ms. Kodack
Mr. Dunn
DC-15
DC-14 File – Counselor Foulds
File

DEF000009

EXHIBIT "C"

DEF000010

MAX

FINAL APPEAL DECISION
Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 P.O. Box 598, 2520 Lisburn Road
 Camp Hill, PA 17001-0598

This serves to acknowledge receipt of your appeal to final review for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the grievance officer's response, your appeal to the facility manager, the facility manager's response, the issues raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this Office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Professional Responsibility, etc.) may have been solicited in making a determination in response to your issue as well.

Inmate Name:	Kevin Jessup	Inmate Number:	CX-8799
SCI Filed at:	Coal Township	Current SCI:	Coal Township
Grievance #:	271957		
Publication (if applicable):			

Decision: Uphold Response (UR)

The original or revised responses provided at the institutional level are reasonable and appropriate in accordance with Department of Corrections' policy and procedure. Accordingly, your final appeal is denied.

Response: Unfavorable

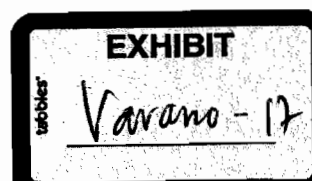
A review of the record shows that you are filing an appeal based on your claim that you were not given credit for time served credited to your sentence.

An investigation into the matter reveals that your Parole Violator Maximum date is calculated by the Pennsylvania Board of Probation and Parole. The responses provided to you by the institutional staff are correct and if you have a dispute with the PV maximum date, you must address that with them. You received a Board Action with this information on it and had the opportunity to address it with them. The Department of Corrections must use the date provided by the Parole Board. Your request to receive additional credit towards your PV Maximum date must be addressed with them. Your request for the Records Staff to change your maximum date is denied.

Signature:	Dorina Varner <i>Dorina Varner</i>
Title:	Chief Grievance Officer
Date:	7-16-09

DLV/TLW

cc: ~~DC-15 Superintendent Varner~~
 Grievance Office



DEF000572

11.11.11 - 37

BURTON A. ROSE
ATTORNEY AT LAW

April 22, 2009

Superintendent David Varano
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

1731 SPRING GARDEN STREET
PHILADELPHIA, PA 19130-3893
(215) 564-5550 FAX (215) 567-6809
EMAIL: barose@baroselaw.com

RE: Damon Chappelle
CX-8799

Dear Superintendent Varano:

Please be advised that I am the attorney for the above named inmate.

Enclosed herewith you will find a true and correct copy of an Order of the United States District Court for the Eastern District of Pennsylvania, Judge Timothy J. Savage, dated November 24, 2008, which has modified the sentence of this inmate of July 18, 2007 for Criminal Action No. 02-32-01. The modification makes Mr. Chappelle's term of imprisonment 24 months effective July 18, 2007.

Mr. Chappelle informs me that he had been advised that his state parole eligibility date is now June 12, 2012. I respectfully believe that this date will be a legal error since, as a result of the revised federal sentence, Mr. Chappelle would appear to have already served his maximum state sentence as of January 26, 2007.

Therefore I would greatly appreciate it if the records of Mr. Chappelle's previous state confinement could be reviewed with a determination that he is eligible for release from custody at this time.

Thank you for your attention to this matter.

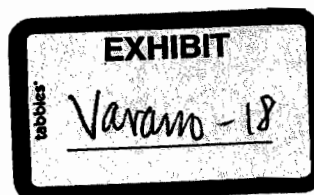
Very truly yours,


BURTON A. ROSE

BAR/cab

Enclosure

cc: Catherine C. McVey, Chair, PA Board of Probation and Parole (w/encl)
Damon Chappelle (w/encl)



DEF000904

SCI COAL TOWNSHIP
2009 APR 27 PM 2:59
Superintendent's Assistant
Ches

(10)
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 02-32-01

v.

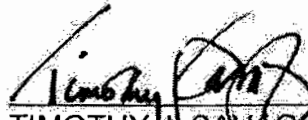
CIVIL ACTION NO. 04-3906

DAMON CHAPPELLE
a/k/a Kevin Jessup

ORDER

AND NOW, this 24th day of November, 2008, upon consideration of the Motion Requesting the Modification of Term of Imprisonment Pursuant to 18 U.S.C. 3582(c)(2) and §3553(a) (Document No. 82) and the Motion for Clarification of Sentence (Document No. 77), the government's responses and after a hearing, it is **ORDERED** that the motions are **GRANTED**.

IT IS FURTHER ORDERED that the defendant's term of imprisonment is reduced to 24 months, effective as of July 18, 2007, and all other terms and conditions of the Judgment and Commitment Order shall remain the same.


TIMOTHY J. SAVAGE, J.

A TRUE COPY CERTIFIED TO FROM THE RECORD
DATED: November 25, 2008
ATTEST: Harry O. Grace
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DEF000905

BURTON A. ROSE
ATTORNEY AT LAW

1731 SPRING GARDEN STREET
PHILADELPHIA, PA 19130-3893
(215) 564-5550 FAX (215) 567-6809
EMAIL: barose@baroselaw.com

December 3, 2008

Catherine C. McVey, Chairman
Pennsylvania Board of Probation and Parole
1101 S. Front Street, Suite 5100
Harrisburg, PA 17104-2517

RE: Damon Chappelle, a.k.a. Kevin Jessup
Parole No. 496-AS-DOC- CX-8799

Dear Ms. McVey:

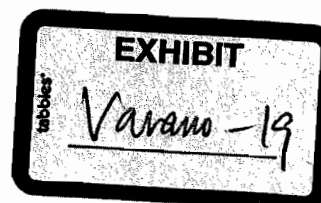
Enclosed herewith please find a true and correct copy of an Order dated November 24, 2008 from United States District Judge Timothy J. Savage in Criminal Action No. 02-32-01 which has modified the sentence of the District Court of July 18, 2007 to make the above named defendant's term of imprisonment 24 months effective as of July 18, 2007.

Kindly advise if anything further is required. Thank you for your attention to these matters.

Very truly yours,


BURTON A. ROSE
Attorney for Damon Chappelle

BAR/cab
Enclosure
cc: Honorable Timothy J. Savage
Michael L. Green, Board Member
Mark S. Miller, Esquire, AUSA
Damon Chappelle



DEF000903

DC-141 PART III
PROGRAM REVIEW COMMITTEE ACTION
[] Misconduct Appeal [x] Periodic review [] Other

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DCNUMBER	NAME	INSTITUTION	DATE OF REVIEW	No. from PART
CX-8799	Jessup, Kevin	SCI-COA	1-24-02	310213

PROGRAM REVIEW COMMITTEE'S DECISION AND ITS RATIONALE

Mr. Jessup is currently in A.C. status. He is a parole violator with new charges. He was interviewed in person by PRC. Mr. Jessup has a Custody Level of 5T. PRC releases Mr. Jessup to general population on 1-25-02 to Housing Unit BB-2063-02.

DV:jb

cc: DC-14
RHU

EXHIBIT

Varano - 20

DECISION RELATIVE TO HEARING COMMITTEE'S VERDICT

[X] Not Applicable [] Sustain [] Sustain-Amend [] Refer Back For Further Study [] Exonerate Inmate

Names of Program Review Committee Members	Signatures	Date
B.L. Lane, DSCS	<i>B.L. Lane</i>	1-24-02
D. Varano, C.O. V	<i>D.A. Varano</i>	1-24-02
R. Medon, U.M.	<i>R. Medon</i>	1-24-02

copy (1)-DC-15 copy (2) - Inmate Cited copy (3) - Staff Member Reporting Misconduct copy (4) - Deputy Superintendent

DEF000764



**COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION AND PAROLE**

Interstate Parole Services Division
1101 South Front Street, Suite 5800
Harrisburg, PA 17104-2538
(717) 787-6134

April 2, 2009

SCI-COAL TOWNSHIP

Re: KEVIN JESSUP
Inst. No. CX-8799
Parole No. 496-AS

Dear Superintendent:

On _____, the above parole violator was lodged in your institution. Although his original maximum sentence was 1/26/2007, his maximum sentence is being extended due to:

- ☒ a new conviction
- ☒ a period of delinquency 06/15/2001

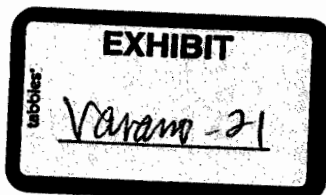
His new maximum sentence is:

- ☐ _____
- ☒ will be computed by the Board

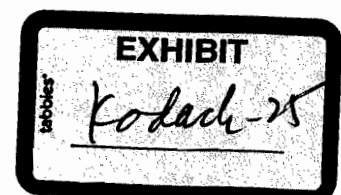
Sincerely,
FOR THE BOARD

Kay Longenberger
Director
Interstate Parole Services

By: Raquel A. Coughlin
Parole Manager



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DEF001041

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